

**COUNTY COUNCIL
OF
TALBOT COUNTY**

2024 Legislative Session, Legislative Day No.: November 12, 2024

Resolution No.: 364

Introduced by: Ms. Haythe, Mr. Leshner, Ms. Mielke

A RESOLUTION TO FORMALLY CLOSE WALLYS WAY AND BETHANY LANE AS COUNTY ROADS AND AUTHORIZE THE CONVEYANCE OF CERTAIN REAL PROPERTY DESCRIBED IN A DEED DATED DECEMBER 14, 1984, AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND AT LIBER J.T.B. NO. 594, FOLIO 423, TO CHAMBERLAIN, LLC, FOR NO MONETARY CONSIDERATION

By the Council: November 12, 2024

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, January 14, 2025 at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: _____



Susan W. Moran, Secretary

A RESOLUTION TO FORMALLY CLOSE WALLYS WAY AND BETHANY LANE AS COUNTY ROADS AND AUTHORIZE THE CONVEYANCE OF CERTAIN REAL PROPERTY DESCRIBED IN A DEED DATED DECEMBER 14, 1984, AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND AT LIBER J.T.B. NO. 594, FOLIO 423, TO CHAMBERLAIN, LLC, FOR NO MONETARY CONSIDERATION

WHEREAS, pursuant to Md. Code Ann, Local Gov't § 12-512(d), the governing body of a county may open, alter, or close any county road on its own initiative if at least 30 days' notice is given by publication once a week for three consecutive weeks in a newspaper of general circulation in the county and a hearing is held to consider any objection or counter petition; and

WHEREAS, pursuant to Chapter 134 (Roads and Bridges), § 134-4.2(B) of the Code of Talbot County Maryland (the "County Code"), Talbot County, Maryland (the "County") may not dispose of a County roadway, bridge, or other property held for public use without a public hearing under Md. Code Ann., Local Gov't § 10-312 and a finding that such property is no longer needed for public use; and

WHEREAS, pursuant to § 134-4.2(B)(1) of the County Code, all property owners abutting any County roadway proposed for disposition shall be notified, in writing, of the proposed disposition and the date, time, and place of the public hearing at least three weeks in advance; and

WHEREAS, pursuant to a deed dated December 14, 1984, and recorded among the Land Records of Talbot County, Maryland at Liber J.T.B. No. 594, folio 423, the County is the fee simple owner of all that real property situate, lying, and being in the Fourth Election District of Talbot County, Maryland, more particularly described as twenty-five (25) feet on each side of the center line of a thirty (30) foot wide right-of-way as shown on a plat entitled "Dukesdale Farm in the 4th Election District, Talbot County, Maryland," prepared by J.R. McCrone, Inc., dated March, 1970, and recorded among the Plat Records of Talbot County, Maryland at Liber J.T.B. No. 24, folio 4 (the "County Property"); and

WHEREAS, portions of the County Property are included in the County's Road Inventory and known as Wallys Way and Bethany Lane, and the Talbot County Roads Department has periodically maintained the same; and

WHEREAS, Chamberlain, LLC is the fee simple owner of certain real property located at 12354 Wallys Way, Cordova, Maryland (the "Chamberlain Property"), which is bisected by the County Property; and

WHEREAS, Chamberlain, LLC has requested that the County formally close Wallys Way and Bethany Lane as County roads and convey the County Property to Chamberlain, LLC so that it can convey the Chamberlain Property and the County Property to a third-party purchaser; and

WHEREAS, the Superintendent of the County Roads and Facilities Maintenance Department does not believe that maintaining Wallys Way and Bethany Lane as County roads is necessary to the County's inventory of public roads, and closing the same will result in a cost savings to the County; and

WHEREAS, the County Council, having determined that the County Property, Wallys Way, and Bethany Lane are no longer needed for any County use, and having held a duly advertised public hearing as required pursuant to Md. Code Ann., Local Gov't §§ 10-312 and 12-512(d) and § 134-4.2(B)(1) of the County Code, is desirous of adopting this Resolution to close Wallys Way and Bethany Lane and authorize the transfer of the County Property to Chamberlain, LLC via quitclaim deed, for no consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

1. The foregoing recitals are not merely prefatory but are a substantive part of this Resolution and are incorporated by reference herein as if fully set forth.
2. The County Council finds that:
 - a. The County has duly advertised the proposed transfer and provided an opportunity for public comment pursuant to Md. Code Ann., Local Gov't §§ 10-312 and 12-512 and § 134-4.2 of the County Code;
 - b. The pertinent requirements of the foregoing authorities have been otherwise fulfilled;
 - c. Neither the County Property, Wallys Way, nor Bethany Lane are needed for any present or foreseeable future public (i.e., County) use; and
 - d. The County is lawfully authorized to transfer any interest it holds in the County Property.
3. The County Council hereby authorizes the Council President to transfer the County's interest in the County Property to Chamberlain, LLC by quitclaim deed in a form and manner approved by the County Office of Law, for no monetary consideration.
4. The County Council hereby waives, surrenders, terminates, and extinguishes any prescriptive rights to any portion of the Chamberlain Property that may have otherwise accrued to the County due to portions of Wallys Way and/or Bethany Lane lying outside of the County Property and upon portions of the Chamberlain Property.
5. Upon execution and delivery of the aforesaid quitclaim deed to Chamberlain, LLC, Wallys Way and Bethany Lane shall be deemed formally closed as public County roads.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its adoption.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. ____ having been published, a public hearing was held on Tuesday, __, 2025 at __:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: _____

By Order: _____
Susan W. Moran, Secretary

Callahan -

Stepp -

Leshner -

Mielke -

Haythe -

Effective: