

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-19-27

AN ORDINANCE concerning

Sale of Real Property Located Along B&O Avenue

FOR the purpose of authorizing the sale of a certain parcel of real property owned by The City of Frederick and authorizing the Mayor to execute the necessary documents for the sale of the property

BACKGROUND RECITALS

Under Maryland Code, Local Government, Title 5, Subtitle 2, the Board of Aldermen is authorized to exercise the express powers provided therein by adopting ordinances. Section 5-204 of that subtitle, as well as the City Charter, authorize the City to sell at public or private sale after 20 days public notice and convey to the purchaser thereof any real or leasehold property belonging to the City when the Board of Aldermen determines that the same is no longer needed for any public use.

The City of Frederick is the fee simple owner of a certain parcel of land known as "B&O Avenue", containing 5.7154 acres of land and as more particularly described on a Plat entitled "Property of C.S.X. Transportation, Inc." and recorded among the aforesaid Land Records in Plat Book 37, page 194, as more particularly described and shown on the attached Exhibit A (the "Property").

The Property is located along B&O Avenue, in the vicinity of the MARC Train Station, and is primarily composed of portions of B&O Avenue. The City Department of Public Works through research determined that a portion of the Property containing approximately 0.034 acres ("Parcel") as shown on attached Exhibit B was owned by the City wherein it had been thought to be under the ownership of the neighboring property. The proposal in this matter is to subdivide the Parcel from the Property and then transfer the Parcel to the owner of the neighboring property, Whitehill Holdings LLC ("Whitehill") as a single parcel which is planned to be further subdivided into six smaller areas and consolidated with the six preexisting neighboring parcels owned by Whitehill. The intent of the parties is that Whitehill will utilize the Parcel to create parking spaces for the six neighboring parcels. Whitehill will be responsible for all costs associated with the subdivision of the Property and the improvement of the Parcel to include paving, striping and other developmental responsibilities as required during the development process.

The Board of Aldermen finds it to be in the best interests of the City to sell the 0.034 acre portion of the Property identified as the Parcel, finding, in accordance with the real property disposition policy adopted by Resolution No. 12-02, as there is no current or future municipal need for the Parcel; alternatively stated, the Parcel is no longer needed for any public use.

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT:

- (1) The foregoing recitals are incorporated by reference herein and made a substantive part of this ordinance.

- (2) The City of Frederick determined that the Parcel is located adjacent to a neighboring property owned by Whitehill and that neighboring property is being redeveloped for the sale of individual town home lots and the Parcel is not being utilized by the City and that the City currently desires to transfer its ownership interests in the Parcel.
- (3) In accordance with the City's property disposition policy, the Board of Aldermen has determined that the Parcel is surplus property. The Board of Aldermen hereby affirms that the Parcel is not needed for any public use and should be sold at private sale and conveyed to the purchaser thereof.
- (4) While public notice has been given in accordance with the disposition policy, additional public notice will be given by posting a summary of this ordinance on the City's website for a period of 20 days.
- (5) Upon the passage of at least 20 days following the above-referenced posting, the Mayor may execute a contract of sale, a deed and any other binding document for the private sale of the Parcel to Whitehill or another developer of the Parcel with the same intentions of development of the neighboring parcels as currently acknowledged by Whitehill for the sales price of \$1.00. The documents will contain an acknowledgment that Whitehill shall cause to be recorded among the land records for Frederick County a binding covenant or restriction that shall run with the land, confirming that the Parcel, now and in the future, shall only be used for the parking of motor vehicles. The covenant or restriction will contain a provision stating that the covenant or restriction may only be modified with the consent of the City.

SECTION II. AND BE IT FURTHER ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT this ordinance shall take effect on the date it is signed by the Mayor.

SECTION III. AND BE IT FURTHER ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT in the event of a conflict between this ordinance and any other ordinance or resolution previously adopted by The City of Frederick, this ordinance shall prevail.

SECTION IV. AND BE IT FURTHER ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICK THAT in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

APPROVED: September 19, 2019


 MICHAEL C. O'CONNOR, Mayor

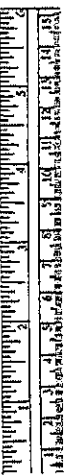
PASSED: September 19, 2019


 MICHAEL C. O'CONNOR, President,
 Board of Aldermen

Approved for Legal Sufficiency:

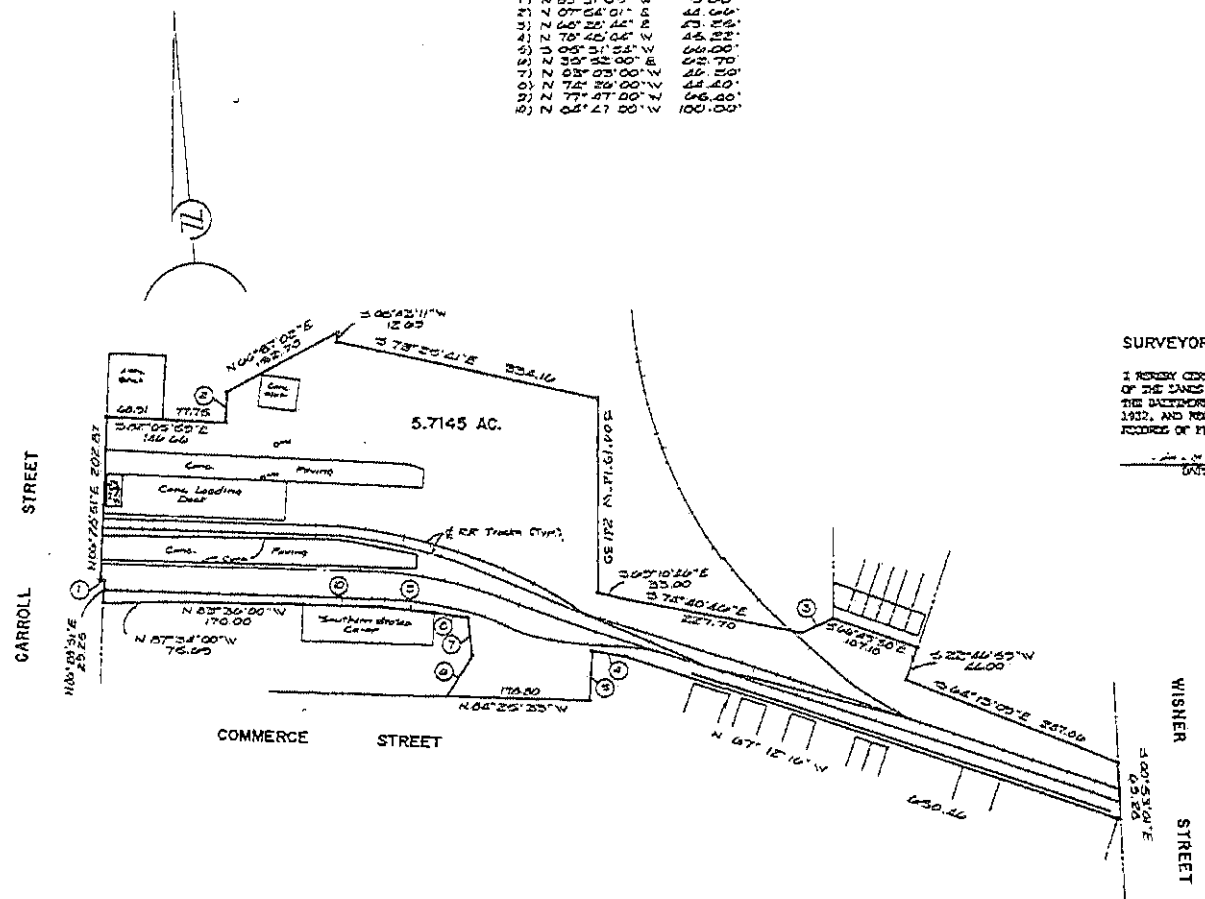
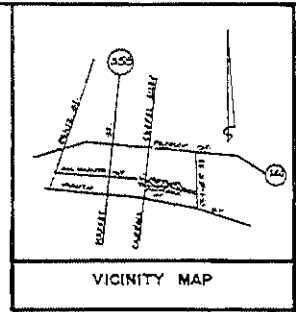

 City Attorney

EXHIBIT A



LINE DATA:

1)	2	83°31'05" W	3	00'
2)	2	07°04'01" E	4	00'
3)	2	66°28'12" E	4	00'
4)	2	78°25'01" E	4	00'
5)	2	09°21'58" W	6	00'
6)	2	85°42'00" E	4	00'
7)	2	03°03'00" W	4	00'
8)	2	72°29'00" W	4	00'
9)	2	77°27'00" W	6	00'
10)	2	06°27'00" W	100	'00'



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREIN IS A SERVICE OF PART OF THE LINES DESCRIBED IN A CONVEYANCE FROM LARGO SURVEY ONTO THE BALTIMORE AND OHIO RAILROAD COMPANY BY DEED DATED MARCH 11, 1912, AND RECORDED IN LIBER 3534 AT FOLIO 279, AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND.

DAVID L. HALLER
PROPERTY LINE SURVEYOR
MARYLAND REG. NO. 246

OWNER:
C.S.X. TRANSPORTATION, INC.
PROPERTY SERVICES DEPT.-1100
600 WATER STREET
JACKSONVILLE, FL 32202

HALLER ASSOCIATES
LAND SURVEYORS • CONSULTANTS
10 EAST CHURCH STREET
FREDERICK, MARYLAND 21701
(301) 628-1545

<p>SYMBOLS</p> <ul style="list-style-type: none"> • I.P. • I.P. FOUND ○ ON MANHOLE 	<p>DATE</p> <p>NO. OF SHEETS</p>

PLAT OF SURVEY
PROPERTY OF
C.S.X. TRANSPORTATION, INC.
PROPERTY TO BE CONVEYED TO THE CITY OF FREDERICK
PART OF
LIBER JS 36 AT FOLIO 279
CITY OF FREDERICK
FREDERICK COUNTY, MARYLAND
SCALE: 1" = 100'
MARCH, 1988

Exhibit B

B & O PROPERTIES
 475 TRINITY STREET, SUITE 100
 HOUSTON, TEXAS 77002
 PHONE: 713.592.1100
 FAX: 713.592.1101
 WWW.BANDOPROPERTIES.COM

PRELIMINARY PLAN - CASE NUMBER PC19-74PSU

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Terra Solutions Engineering, LLC
 10000 WESTHELIOS DRIVE, SUITE 100
 HOUSTON, TEXAS 77036
 PHONE: 281.486.8800
 FAX: 281.486.8801
 WWW.TERRASOLUTIONS.COM

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PRELIMINARY PLAN
 SCALE: 1/8" = 1'-0"

LANDSCAPE PLAN
 SCALE: 1/8" = 1'-0"

LANDSCAPING SCHEDULE

NO.	DESCRIPTION	QUANTITY	REMARKS
1	1" DBH	10	
2	2" DBH	5	
3	3" DBH	5	
4	4" DBH	5	
5	5" DBH	5	
6	6" DBH	5	
7	7" DBH	5	
8	8" DBH	5	
9	9" DBH	5	
10	10" DBH	5	
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100	100" DBH	5	

REQUIREMENTS AND NOTES:

1. All trees to be removed shall be removed within 30 days of the start of construction.
2. All trees to be preserved shall be protected with a tree protection zone (TPZ) and a tree protection fence (TPF).
3. All trees to be preserved shall be watered and fertilized during the construction period.
4. All trees to be preserved shall be inspected and certified by a certified arborist.
5. All trees to be preserved shall be replaced with trees of the same or better quality and size.
6. All trees to be preserved shall be replaced within 60 days of the start of construction.
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