

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE MAKING A DETERMINATION  
THAT CERTAIN PROPERTY IS NO LONGER  
NEEDED FOR A PUBLIC PURPOSE AND AUTHORIZING  
CONVEYANCE TO ADJOINING PROPERTY OWNER**

RECITALS

WHEREAS, the City of Hagerstown is a Municipal Corporation existing under and by virtue of the laws of the State of Maryland; and

WHEREAS, the City has an interest in a rectangular parcel of land ("the Parcel") lying east of Alley No. 3-13, west of Oak Street and north of land owned by Raymond W. and Susan J. Higgins, Trustees of the Higgins Family Revocable Trust Agreement Dated November 22, 2019 ("Grantees") in the City of Hagerstown and described more particularly in the attached Quit Claim Deed, drawing, and metes and bounds description; and

WHEREAS, in accordance with the provisions of the Maryland Code and the Charter of the City of Hagerstown, the Mayor and Council, as the duly constituted legislative body for the City has determined that the Parcel is no longer needed for a public purpose; and

WHEREAS, Grantees own property adjoining the Parcel and have requested that the City execute a quit claim to its right, title and interest in the Parcel adjacent to and adjoining their property, and as depicted on the attached Quit Claim Deed, metes and bounds description, and drawing, subject to the City's retention of a perpetual utility easement; and

WHEREAS, the City agrees to transfer the Parcel as depicted on the attached Quit Claim Deed, metes and bounds description, and Drawing #A-23604, subject to the aforementioned easement; and

WHEREAS, the introduction of this Ordinance shall constitute the twenty (20)-day notice of the proposed transfer as required by law; and

WHEREAS, the Mayor and Council find that the Parcel may be quit claimed and conveyed to the adjoining property owners,


Raymond W. Higgins and Susan J. Higgins, Trustees of the Higgins Family Revocable Trust Agreement Dated November 22, 2019.

**NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED** as follows:

1. That the foregoing recitals be and are incorporated herein as if fully set forth.
2. That the Mayor and Council find that the Parcel is no longer needed for a public purpose.
3. That the Mayor be and is hereby authorized to execute and deliver a Quit Claim Deed vesting all of its right, title and interest in the Parcel to the adjoining property owners, Raymond W. Higgins and Susan J. Higgins, Trustees of the Higgins Family Revocable Trust Agreement Dated November 22, 2019. The description and extent of the property so conveyed is as depicted on the attached Quit Claim Deed.
4. That the Mayor be and is hereby authorized to execute the attached Quit Claim Deed, and such additional documentation and take all necessary steps to carry out the purpose of this Ordinance.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED**, that this Ordinance shall become effective upon the expiration of 30 days from the date of its passage.

WITNESS AND ATTEST  
AS TO CORPORATE SEAL

  
\_\_\_\_\_  
Donna K. Spickler  
City Clerk

MAYOR AND COUNCIL OF THE  
CITY OF HAGERSTOWN, MARYLAND

  
\_\_\_\_\_  
Emily Keller, Mayor

Date of Introduction: March 23, 2021  
Date of Passage: April 27, 2021  
Effective Date: May 27, 2021

PREPARED BY:  
SALVATORE & MORTON  
CITY ATTORNEYS

**THIS QUIT-CLAIM DEED**, made on this 27<sup>th</sup> day of May, 2021, by the **CITY OF HAGERSTOWN**, a municipal corporation existing under and by virtue of the Laws of the State of Maryland, hereinafter referred to as "Grantor".

### RECITAL

The Mayor and Council of the City of Hagerstown, Maryland declaring the hereinafter described property not needed for a public purpose.

It has been determined that said area in question has never been utilized by the City and no offer of dedication has ever been accepted to said right-of-way. The Mayor and Council of the City of Hagerstown have determined to Quit Claim any interest that it may have in and to said right-of-way to the Grantee herein.

Each and every paragraph of this Recital is incorporated in the remainder of this Quit Claim Deed and constitutes a part thereof. Each and every paragraph of the remainder of the Quit Claim Deed is included in this Recital and made a part thereof.

**NOW, THEREFORE**, That for **NO (\$0.00) MONETARY** consideration, the Grantor herein, does hereby grant, bargain, sell, convey, quit-claim, remise, release and forever discharge unto **Raymond W. Higgins and Susan J. Higgins, Trustees of the Higgins Family Revocable Trust Agreement Dated November 22, 2019**, hereinafter referred to as "Grantee", any or all right, title or interest of whatsoever nature or kind, either in law or in equity, that it may have in and to all that real property situate and lying in Election District 3, Hagerstown, Washington County, Maryland, and being more particularly described as follows:

All that lot or parcel of land, more particularly shown on Exhibit "A" entitled "Portion of Third Street Situate South of Wilson Blvd. East of Kuhn Ave" as the hatched area described as "Total Quitclaim Area from the City of Hagerstown" to be quit claimed which was prepared by Fox & Associates, Inc. on January 8, 2021 and designated as Drawing No. A-23604 and more particularly described by metes and bounds in Exhibit "B" entitled "Description of Portion of Third Street South of Lot 24, Block 2 and North of Lot 1, Block 3".

The above-described parcel is hereby conveyed subject to and together with any and all conditions, restrictions, limitations, easements and rights of way of record applicable thereto. **The City specifically reserves unto itself a perpetual and permanent easement over all of said quitclaimed property for access to the electric and communication system including all trenches, conduits, cables, poles, guy wires & anchors, and other facilities over, under, and upon said property, for the purpose of constructing, inspecting, maintaining, repairing,**

0-21-03

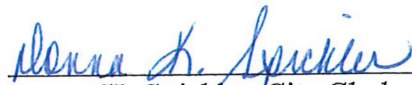


altering, replacing, operating and/or removing said utility lines, with the further right to install, maintain, operate and replace its facilities without responsibility for any damages caused thereby to trees, bushes and undergrowth, and other obstructions interfering with the safe and proper operation and maintenance thereof. This easement is for the benefit of the City and shall be covenant running with said lands and binding upon Grantee's heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by its duly authorized representative, and its corporate seal to be hereunto duly affixed and attested by the City Clerk.

WITNESS AND ATTEST  
AS TO CORPORATE SEAL

CITY OF HAGERSTOWN

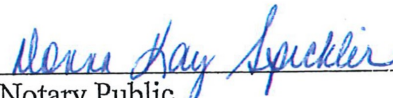
  
Donna K. Spickler, City Clerk

By:   
Emily Keller, Mayor

STATE OF MARYLAND, WASHINGTON COUNTY, to-wit:

I HEREBY CERTIFY, that on this 27<sup>th</sup> day of May, 2021, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Emily Keller, who acknowledged herself to be the Mayor of the City of Hagerstown, a Maryland municipal corporation, and that she as such Mayor being authorized so to do, executed the aforefoing Quit-Claim Deed for the purposes therein by signing, in my presence, the name of the City of Hagerstown, by herself as Mayor.

WITNESS my hand and Official Notarial Seal.

  
Notary Public

My Commission Expires: December 8, 2022

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

  
Jennifer M. Keefer

0-21-03

**DEED PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH**

Mail to:  
City of Hagerstown  
1 East Franklin St.  
Hagerstown, MD 21740

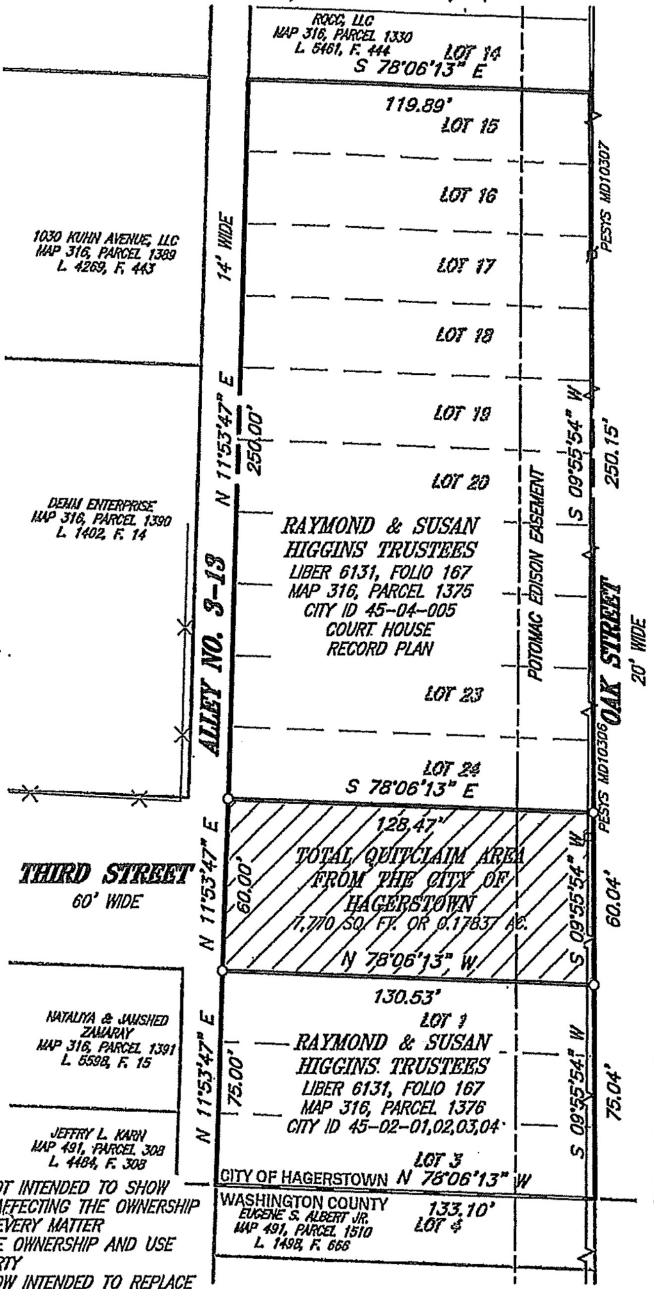
0-21-03

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF; THAT IT IS ALL OF THE LANDS CONVEYED TO RAYMOND W. HIGGINS AND SUSAN J. HIGGINS TRUSTEES BY A DEED DATED NOVEMBER 22, 2019 AND RECORDED AMONG THE LAND RECORDS OF WASHINGTON COUNTY IN LIBER 6131 ON FOLIO 167, I FURTHER CERTIFY THAT THIS PLAN WAS PERSONALLY PREPARED BY ME, OR THAT I WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED HEREON, ALL IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN COMAR 09.13.06.12 IN EFFECT AT THE TIME THIS SURVEY WAS PERFORMED.

03/18/2021  
DATE

*[Signature]*  
GEORGE E. NAGEL  
PROFESSIONAL LAND SURVEYOR  
MARYLAND REGISTRATION No. 21052  
EXPIRATION/RENEW DATE: 08/24/2022



- NOTES**
1. THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE OF THIS PROPERTY
  2. THIS PLAT IS NOW INTENDED TO REPLACE AN EXAMINATION OF TITLE OR OTHER ALL MATTERS AFFECTING TITLE
  3. THE SOURCE OF THE BEARINGS SHOWN HEREON IS MARYLAND STATE PLAT COORDINATE SYSTEM NAD 83 (2011)
  4. THIS PROPERTY IS LOCATED IN ZONE "X" PER FEMA FLOOD INSURANCE RATE MAP 24043C0305D WITH AN EFFECTIVE DATE OF AUGUST 15, 2017

QUITCLAIM EXHIBIT  
**PORTION OF THIRD STREET  
SITUATE SOUTH OF WILSON BLVD.  
AND EAST OF KUHN AVE.**

DISTRICT 17, CITY OF HAGERSTOWN, WASHINGTON COUNTY, MD

DRAWN BY: A.M.S.	DATE: 1/8/21
CHECKED BY: G.E.N.	DATE: 1/8/21
SCALE: 1" = 50'	

**FOX & ASSOCIATES, INC.**  
ENGINEERS • SURVEYORS • PLANNERS  
981 MT. AETNA ROAD, HAGERSTOWN, MD. 21740  
PHONE: (301)733-8503  
email: foxassoc@foxassociatesinc.com

DISTRICT	17
TAX MAP No.	316
DWG. No.	A-23604

0-21-03