

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 parcel of land running parallel to Oak Street, in the City of Hagerstown, commonly known and designated as Alley #3-13 ("the Alley"); and

WHEREAS, in accordance with the provision 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 a portion the aforesaid Alley is no longer needed for a public purpose. The portion is hereinafter referred to as "the Parcel"; and

WHEREAS, Raymond W. Higgins, owns property adjoining the Alley on its western side and has requested that the City execute a quit claim of its right, title and interest in the Parcel adjacent to and adjoining his property, and as depicted on the attached Quit Claim Deed, subject to the City's retention of a perpetual utility easement; and

WHEREAS, Demm Enterprises, a Maryland General Partnership, and the adjoining property owner on the eastern side of the Parcel, has no objection to the City's conveyance of the Parcel to Raymond W. Higgins;

WHEREAS, the City agrees to transfer the Parcel, as depicted on the attached Quit Claim Deed and Drawing, subject to the aforementioned utility easement;

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

WHEREAS, an Ordinance to quit claim the Parcel was introduced last year on October 25, 2022, but no further action was taken on said Ordinance; and

WHEREAS, the Mayor and Council find that the property may be quit claimed and conveyed to the adjoining property owner, Raymond W. Higgins.

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 owner, Raymond W. Higgins. 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



Tekesha Martinez, Mayor

Date of Introduction: December 19, 2023
Date of Passage: January 30, 2024
Effective Date: March 3, 2024

PREPARED BY:
SALVATORE & MORTON
CITY ATTORNEYS