

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1135

Introduced by _____ Council Member Schneegas _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER, FOR THE PURPOSE OF ACCEPTING A DEED OF EASEMENT WITH RESPECT TO PUBLIC FACILITIES TO INCLUDE A MUNICIPAL WATER LINE ACROSS THE PROPERTY LOCATED AT 973 CHESAPEAKE DRIVE

On: 12/18/2023

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on January 2, 2024 at 7:08 p.m., and concluded on January 2, 2024 at 7:09 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

WHEREAS, the owner of real property located at 973 Chesapeake Drive (“Owner”) desires to execute and dedicate a deed of easement (substantially in the form attached hereto) with respect to a municipal water line that will be installed on the property identified as Tax Account Number 06-035930 and more specifically shown on the attached deed of easement (Exhibit 1) (“Deed of Easement”) and Exhibits A and B attached thereto (“Easement Area”); and

WHEREAS, the purpose of easement is to allow a municipal water line to be installed so that the adjoining property known as 904 Hebditch Lane can receive City water; and

WHEREAS, the Mayor and City of Council of Havre de Grace (“City”) desires to accept the Deed of Easement to provide the City with a utility easement for the purpose of access to, and maintenance and repair of, the municipal water line as may be required from time to time; and

WHEREAS, the Owner intends to execute a Deed of Easement in substantially similar form as attached hereto as Exhibit 1; and

WHEREAS, the City’s acquisition of the easement is for a public purpose.

NOW THEREFORE, it is this 16th day of January, 2024, determined, decided, and ordained by a majority of the City Council members that:

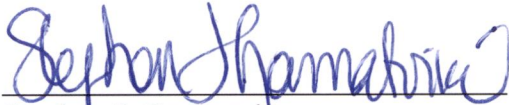
The Mayor is authorized to sign a deed of easement in substantially similar form that is attached hereto as Exhibit 1 and take such other action needed to acquire and record the easement from the Owner of 973 Chesapeake Drive for the purposes set forth in this ordinance.

The foregoing Ordinance is hereby approved by the City Council.

ADOPTED by the City Council of Havre de Grace, Maryland this 16th day of January, 2024.

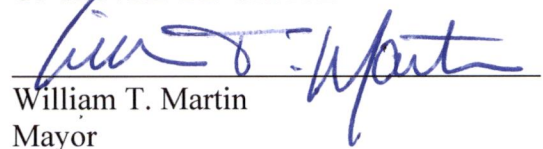
SIGNED by the Mayor and attested by the Director of Administration this 17th day of January, 2024.

ATTEST:



Stephen J. Gamatoria
Director of Administration

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE



William T. Martin
Mayor

Introduced/First Reading: 12/18/2023
Public Hearing: 1/2/2024
Second Reading/Adopted: 1/16/2024
Effective Date: 1/17/2024

Exhibit 1

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION

UTILITY EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made this ___ day of _____ 2024, by and between Bonnie S. Gease, GRANTOR; and, The Mayor and City Council of Havre de Grace, a Maryland Municipal Corporation, GRANTEE (collectively, “Parties”).

Whereas, Bonnie S. Gease is the owner of property known as 973 Chesapeake Drive, Havre de Grace, MD 21078 (“Property”); and,

Whereas, the Parties desire to establish a public utility easement crossing said Property; and,

Whereas, the Grantor desires to grant said perpetual easement for the sole purposes stated herein.

WITNESSETH, NOW THEREFORE, in consideration of the premises which are incorporated herein by reference, and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor does grant unto the Grantee, its successors and assigns, a perpetual, non-exclusive, utility easement, ten (10) feet wide, as shown on Exhibit A and Exhibit B attached hereto and made a part of, to the subject Property; and,

THE GRANT OF EASEMENT IS SUBJECT TO the following conditions:

- a. All work performed in connection with the utility easement herein granted shall be done in a good and workmanlike manner and in accordance with all applicable laws, ordinances, codes, rules and regulations of all governmental agencies and authorities; and
- b. All work, once commenced, shall be prosecuted diligently to its completion in the shortest reasonable time possible under the circumstances; and
- c. Grantee shall keep the easement area free at all times of waste materials and rubbish or liens from arising from the exercise by Grantee of any work and shall restore the land to its original condition prior to any work; and
- d. Grantee shall save, defend, indemnify and hold harmless the Grantor, whether for bodily injury or property damage, resulting from the construction, installation and maintenance of said easement; and
- e. Grantee shall only use the easement for the installation, maintenance, and repair of the utilities for which this agreement sets out; and
- f. Grantor shall have the right to use the surface of said Easement Area, so long as, except as otherwise provided herein, said use is not inconsistent with the installation, use, operation and maintenance of said easement; and

g. The parties shall at all times cooperate with one another and comply with reasonable requests not inconsistent with the purpose for which this easement is executed, including but not limited to executing any statements, affidavits, plans or other instruments necessary to effectuate the purposes hereof, provided the same is without cost to and would not result in a material increase in the obligations of the cooperating party; and

h. Nothing herein shall create or be construed to create any rights in and/or for the benefit of the general public in or to the property or the easement area granted hereby.

This easement shall not supersede or exclude the implied easement rights of passage and service access to any existing utilities within its boundaries.

The easement granted herein is a covenant running with the land and shall bind and or inure to the parties hereto, their personal representatives, heirs, successors and or assigns, in perpetuity.

TO HAVE AND TO HOLD the said non-exclusive easement unto the Grantee, its successors and assigns, for the purposes and terms herein stated, unless otherwise amended.

IN WITNESS WHEREOF, the hand and seal of the Grantor this ___ day of _____ 2024.

WITNESS:

GRANTOR:

Bonnie S. Gease

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this ___ day of _____ 2024, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Bonnie S. Gease and acknowledged that she executed the same for the purposes herein contained, and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

IN WITNESS WHEREOF, the hand and seal of the Grantee this __ day of _____ 2024.

WITNESS/ATTEST:

GRANTEE:
Mayor and City Council of Havre de Grace

By William T. Martin, Mayor

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this __ day of _____ 2024, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared William T. Martin and acknowledged that he executed the same for the purposes herein contained, and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires: _____

Exhibit A

Legal Description

Utility Easement
973 Chesapeake Drive
Havre de Grace, Maryland
6th Election District
Harford County, Maryland

BEGINNING FOR THE SAME at a point on the easterly side of Hebditch Lane in the City of Havre de Grace, said point being the northwesterly corner of the land also known as 973 Chesapeake Drive as described in a deed dated July 18, 2007 from the Estate of Gretha Tollenger to 973 Chesapeake Drive, LLC as recorded in the Land Records of Harford County in deed Liber 7451 Folio 709,

and leaving said point of beginning and running with the easterly side of Hebditch Lane North 33 degrees 45 minutes 00 seconds East 10.00 feet, thence leaving Hebditch Lane and running thru the aforesaid Land of 973 Chesapeake Drive for a new line of easement South 56 degrees 15 minutes 00 seconds East 83.36 feet to a point on the easterly side of Chesapeake Drive,

thence running with Chesapeake Drive South 33 degrees 45 minutes 00 seconds West 10.00 feet to the westerly lot line and thence with the westerly lot line North 56 degrees 15 minutes 00 seconds West 83.36 feet to the point of beginning as shown on a drawing by Welsh Engineering and intended to be recorded with this description.

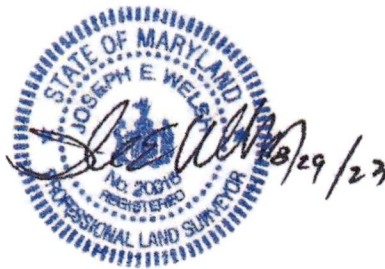
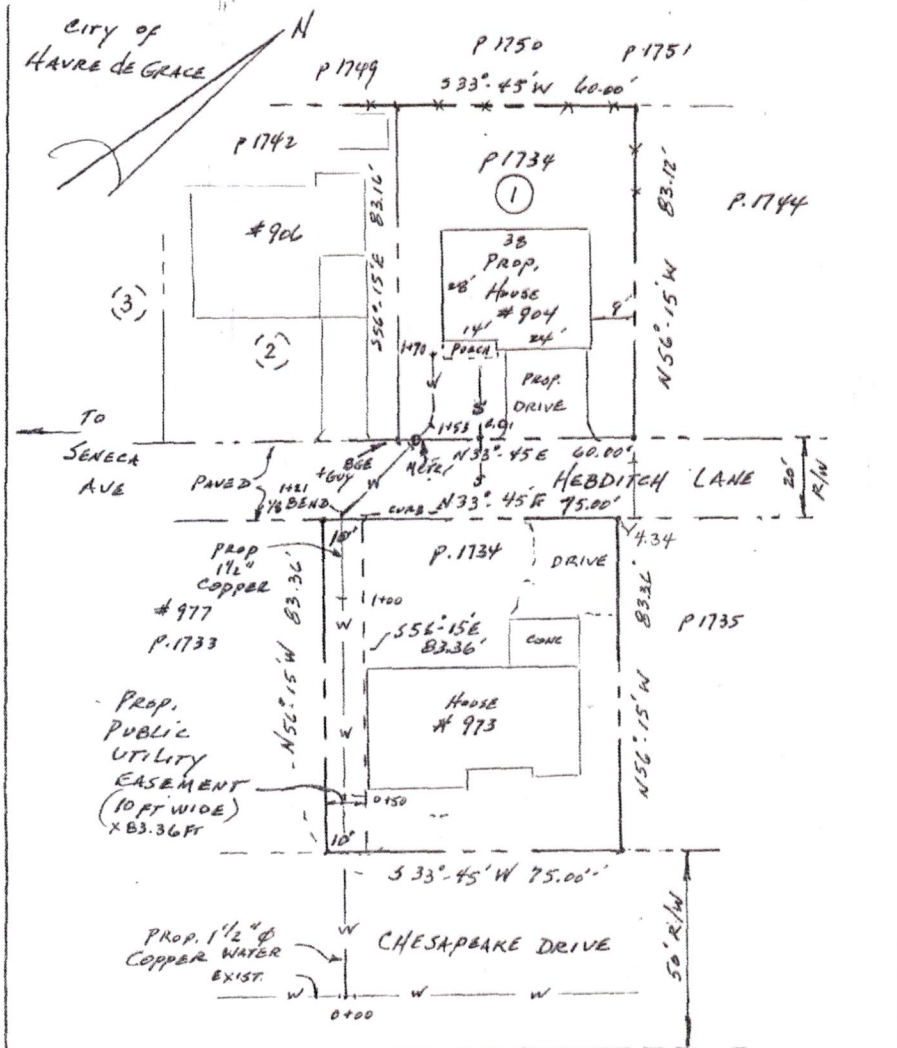


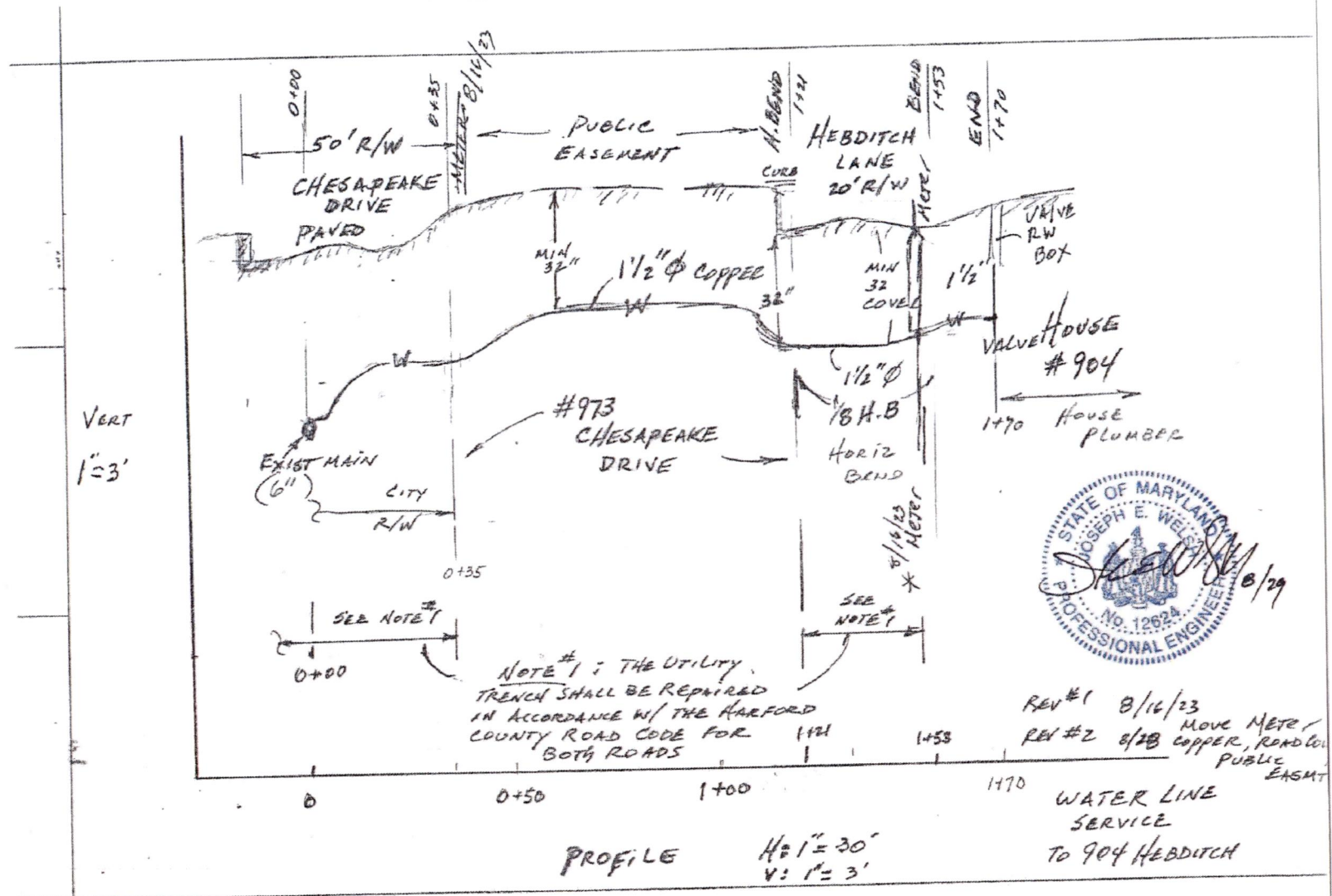
Exhibit B



The utility trench on both Chesapeake Drive and Hebditch shall be repaired in accordance with the Harford County Road Code.

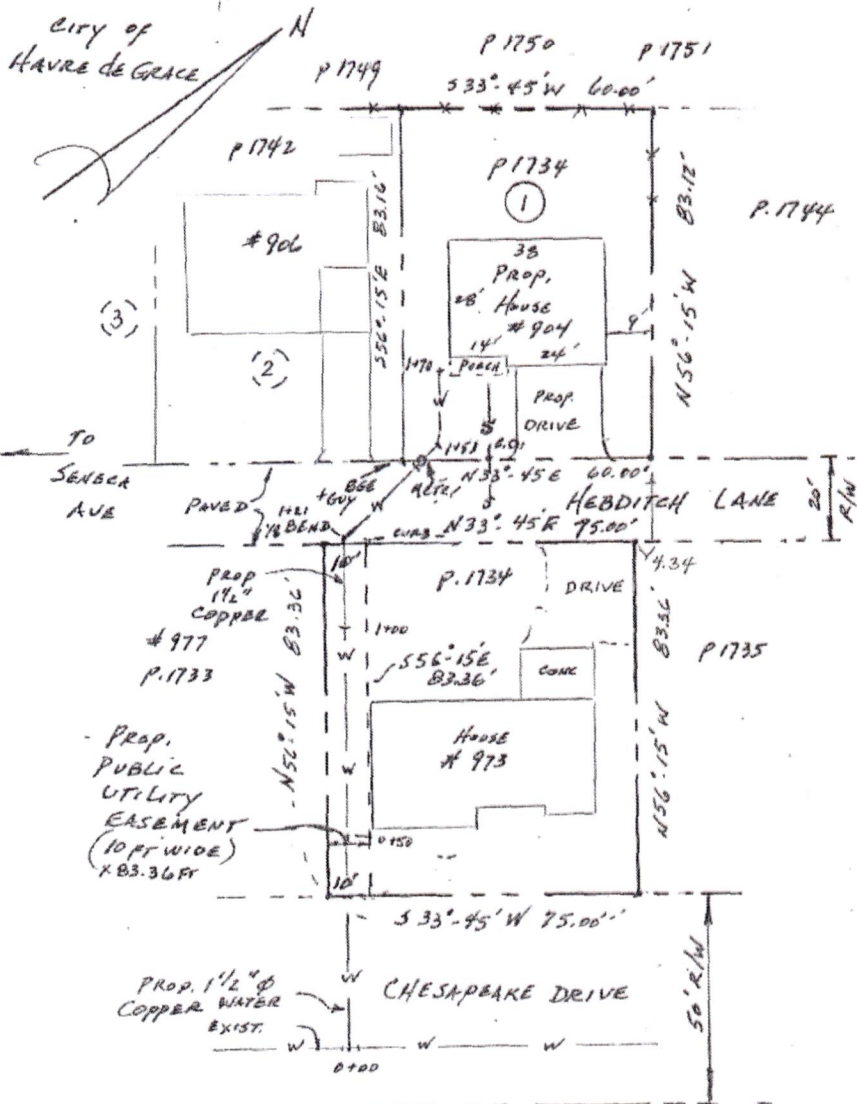
904 Hebditch Lane
WATER LINE

<p>Drawing to Show Utility Easement</p> <p>973 Chesapeake Drive Havre de Grace, Maryland</p> <p>6th Election District Harford County, Maryland</p>		<p>WELSH ENGINEERING 2 PARADISE DRIVE HAVRE DE GRACE, MARYLAND 21078 #3 COPPER, PUBLIC EASEMENT 8/18 410-939-1304 FAX 410-939-6480 #2 METE/ 8-16 SHOW MEAN 8-10-23</p> <p>SCALE: 1" = 30' DATE: 7-22-23</p> <p>DRAWN: JW JOB: 781J</p>
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REV #1 8/16/23
 REV #2 8/28/23
 REV #3 8/29/23
 MOVE METER / COPPER, ROADWAY PUBLIC EASMT
 WATER LINE SERVICE TO 904 HEBDITCH

PROFILE
 H: 1" = 30'
 V: 1" = 3'



904 Hebditch Lane
 Water Line

The utility trench on both Chesapeake Drive and Hebditch shall be repaired in accordance with the Harford County Road Code.

UTILITY PLAN

Drawing to Show
 Utility Easement

973 Chesapeake Drive
 Havre de Grace, Maryland

6th Election District
 Harford County, Maryland



WELSH ENGINEERING

2 PARADISE DRIVE
 HAVRE DE GRACE, MARYLAND 21078

#3 COPPER, PUBLIC EASMT 8/68
 410-939-1304 FAX 410-939-6480
 #2 METER 8-16 SHOW NOW 8-19-23

SCALE: 1" = 30' DATE: 7-22-23

DRAWN: JW JOB: 781J