

**Town of North Beach, Maryland  
8916 Chesapeake Avenue  
North Beach, Maryland**

**ORDINANCE NO. 18-01**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF NORTH BEACH, MARYLAND TO CLOSE AND ABANDON AN UNOPENED PORTION OF AN UNNAMED ALLEY IN BLOCK 7 OF THE NORTH CHESAPEAKE BEACH SUBDIVISION LOCATED IN THE TOWN OF NORTH BEACH, MARYLAND.**

**WHEREAS**, North Beach, Maryland is a municipal corporation in the State of Maryland organized and operating under a Charter adopted in accordance with Article XI-E of the Constitution of Maryland (1990 Repl. Vol. and 2000 Supp.) and Article 23A of the Annotated Code of Maryland (1998 Repl. Vol. and 2000 Supp.); and,

**WHEREAS**, North Beach is empowered by virtue of Article 23A Section 2(24) and Section 19-501(47) of the Charter of the Town of North Beach to convey real property, when such real property is no longer necessary for the public use after having given at least twenty (20) days public notice of the proposed conveyance; and,

**WHEREAS**, there is an unused and unopened Right-of-Way in Block 7, Lots 37 to 48. This Right-of-Way is further described on a Plat attached hereto as Exhibit A and incorporated herein by reference; and,

**WHEREAS**, the Mayor and Town Council of North Beach has determined that the Right-of-Way referenced above is not necessary for public purposes and is not expected to be necessary for public purposes in the near future and that a substantial public benefit would be obtained if the Right-of-Way referenced above is vacated and closed so that the Town might be relieved from any possible obligation to open and maintain the same; and

**WHEREAS**, that the Town has received a request from a citizen living along the referenced alleyway requesting closure and the right to purchase same from Town; and

**WHEREAS**, twenty (20) days public notice has been given of the proposed closing of the above referenced Right-of-Way and of the Town's intention to abandon and vacate this Right-of-Way and to convey all the Town's right, title and interest, claims and causes which the Town may have in the Right-of-Way referenced above. Council finds that there is sufficient cause to close the Right-of-Way referenced above and that the closing of the Right-of-Way would be in the best interest of the public.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Mayor and Town Council of the Town of North Beach the following:

1. That the unopened portion of an unnamed alley in Block 7 located in the subdivision known as "North Chesapeake Beach" as per plat recorded among the Land Records of Calvert County, Maryland in Plat Book G.W.D. 8 at Plat 305 and shown on Exhibit A is hereby closed and abandoned allowing the Town's interest in the land to be deeded to the adjoining landowners by a Quit Claim Deed pursuant to Maryland law reserving unto the Town an Easement for ingress-egress, over-under and through the Right-of-Way for public utility facilities. A separate contract to convey the property will be executed by the Town and landowners and approved by the Mayor and Town Council.
2. That the Mayor is hereby authorized and empowered and directed to execute documents which would recognize the conveyance, revocation, termination, vacation, abandonment and closing affected by this Ordinance and which further grants, conveys and releases unto the owner of the lots adjacent to the Right-of-Way any further right, title, claims or interest of the Town in and to the Right-of-Way referenced above reserving unto the Town an Easement of ingress-egress, over-under and through the Right-of-Way referenced above for public utility facilities.

**AND BE IT FURTHER ORDAINED** that upon passage of this Ordinance, the same shall be authenticated by the signature of the Mayor and Town Clerk to be recorded among the Town books kept for that purpose, and that a certified copy of this Ordinance shall be posted and advertised pursuant to Section 19-311 of the Town Charter.

**AND BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the 1<sup>st</sup> day of May, 2018 after being read at two successive Town Council meetings as required by Section 19-311 of the Charter.

**PASSED** this 12<sup>th</sup> day of April, 2018.

**ATTEST:**

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Stacy Wilkerson, Town Clerk

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Mark R. Frazer, Mayor