

**MACLEOD**
LAW GROUP LLC

February 11, 2021

VIA E-MAIL AND FIRST-CLASS MAIL

The Honorable Denton Town Council
Town of Denton
4 N. Second Street
Denton, Maryland 21629
dtodd@dentonmaryland.com

RE: Proposed Ordinance/Abandonment and Closure of Certain Paper Rights-of-Way

Dear Mayor McNinch and Councilpersons Lister, Branson, Johnson, and Wilson:

On behalf of the County Commissioners of Caroline County (the "County"), enclosed herewith please find a proposed Ordinance which, if passed, would close certain paper rights-of-way encumbering the County's property located at 403 S. Seventh Street, where the Health & Public Safety Building (the "HAPS Building") is located.

As more fully set forth in the enclosed proposed Ordinance, a 1909 plat entitled "L.B. Tower's Addition to Denton," prepared by F.M. Latham, and recorded among the Land Records for Caroline County at Liber T.L.D. No. 73, folio 386 (the "Latham Plat") identifies several streets and alleys in the Town which were offered to be dedicated to public use. Certain streets and alleys shown on the Latham Plat were never accepted by the Town, formally or informally, and remain paper streets and alleys, including a 50-foot-wide portion of Seventh Street and a 15-foot-wide alley between Sunnyside Avenue and Choptank Avenue, which are shown thereon as running across 403 S. Seventh Street. The County is desirous of subdividing the 403 S. Seventh Street property into two lots, one of which it intends to declare surplus and convey free and clear of the encumbrances created by the foregoing paper rights-of-way. Accordingly, the County respectfully requests that the Denton Town Council pass the enclosed Ordinance closing the same. The Latham Plat and the County's proposed Administrative Line Revision Plat more fully describing the proposed subdivision are also enclosed as exhibits to the proposed Ordinance.

The County would greatly appreciate the proposed Ordinance being included on the Denton Town Council's March meeting agenda for introduction. Please do not hesitate to contact me with any questions or concerns regarding this matter.

Very truly yours,


Patrick W. Thomas

Enclosures

cc: Jeremy Goldman, County Administrator (via e-mail only)

ORDINANCE NO. 712

INTRODUCED BY: _____

AN ORDINANCE OF THE TOWN OF DENTON EXPRESSLY REJECTING THE OFFER TO DEDICATE CERTAIN PAPER RIGHTS-OF-WAY SHOWN AS A 50 FOOT WIDE PORTION OF SEVENTH STREET AND A 15 FOOT WIDE ALLEY BETWEEN SUNNYSIDE AVENUE AND CHOPTANK AVENUE ON A PLAT RECORDED AMONG THE LAND RECORDS OF CAROLINE COUNTY, MARYLAND AT LIBER T.L.D. NO. 73, FOLIO 386 TO PUBLIC USE AND ABANDONING AND FOREVER CLOSING THE SAME

WHEREAS, a plat entitled “L.B. Tower’s Addition to Denton,” dated February 23, 1909, prepared by F.M. Latham, and recorded among the Land Records for Caroline County at Liber T.L.D. No. 73, folio 386 (the “Latham Plat”), attached hereto as Exhibit A, identifies several streets and alleys in the Town of Denton (the “Town”) which were offered to be dedicated to public use; and

WHEREAS, certain streets and alleys on the Latham Plat were never accepted by the Town, formally or informally, to be dedicated to public use and have remained undeveloped paper streets and alleys, including a fifty (50) foot wide portion of Seventh Street and a fifteen (15) foot wide alley between Sunnyside Avenue and Choptank Avenue (the “Paper Rights-of-Way”); and

WHEREAS, the County Commissioners of Caroline County (the “County”) is the owner of certain real property identified as Parcel No. 473 on Caroline County Tax Map No. 105, Grid 5, as more fully described in a deed dated August 16, 2011 and recorded among the Land Records for Caroline County, Maryland at Liber F.D.M. No. 972, folio 155 (the “County Property”) which is encumbered by the Paper Rights-of-Way, as shown on the Latham Plat and a plat entitled “Administrative Line Revision Plat on the Lands of the County Commissioners of Caroline County in the Town of Denton Caroline County, Maryland Tax Map 105, Grid 5, Parcel 473,” dated September 23, 2020, and prepared by Lane Engineering, LLC (the “County Plat”), which is attached hereto as Exhibit B; and

WHEREAS, the County has requested that the Denton Town Council expressly reject the offer of dedication of the Paper Rights-of-Way to public use and abandon and forever close the same, as the County is desirous of subdividing and conveying a portion of the County Property free and clear of any encumbrance caused by the Paper Rights-of-Way; and

WHEREAS, the Denton Town Council has determined that it is desirable and in the public interest to expressly reject the offer to dedicate the Paper Rights-of-Way to public use and abandon and forever close the same.

NOW, THEREFORE, BE IT ENACTED, the Denton Town Council hereby ordains as follows:

SECTION 1: The offer to dedicate the fifty (50) foot wide portion of Seventh Street and the fifteen (15) foot wide alley between Sunnyside Avenue and Choptank Avenue as shown on a plat entitled “L.B. Tower’s Addition to Denton,” dated February 23, 1909, prepared by F.M. Latham, and recorded among the Land Records for Caroline County at Liber T.L.D. No. 73, folio 386 to public use is hereby rejected, and such paper rights-of-way are hereby abandoned and forever closed.

SECTION 2: Nothing in this Ordinance shall be deemed to be an acceptance or rejection by, or manifestation of the intent or belief of, the Denton Town Council with respect to the remainder of those paper streets and alleys shown on the Latham Plat which were offered to be dedicated to public use.

SECTION 3: The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 4: All ordinances or parts of ordinances of the Town of Denton inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 5: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Denton Town Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 6: The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 7: In accordance with § C3-12 of the Town Charter, this Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption.

ENACTED THIS _____ day of _____, 2021.

DENTON TOWN COUNCIL:

Abigail McNinch, Mayor

Dallas Lister, Councilperson

Lester L. Branson, Councilperson

Walter Keith Johnson, Councilperson

Doncella Wilson, Councilperson

ATTEST:

Karen L. Monteith, Clerk-Treasurer

Approved for legal sufficiency this _____ day of _____, 2021.

Christopher F. Drummond, Town Attorney

Date Introduced _____

Date Amendments Introduced _____

Date Passed _____

Effective Date _____

Text that is ~~stricken out~~ reflects language omitted from the Town Code

Text in **bold** reflects additions to the Town Code

DENTON THREE BRIDGE'S ROAD

Anderson Lot

CAROLINE COUNTY TO WIT: Be it Remembered that on this sixth day of June in the year of our Lord nineteen hundred and ten, the following Plat was received to be recorded and was accordingly enrolled as follows, to wit.

CAROLINE COUNTY

413

Land Rds. T.L.D. # 73, Folio 386

L. B. Tower's Addition to Denton,

Fifth Ave. to Part of 11th St.
Denton-Three Bridges to County Road

June, 1910



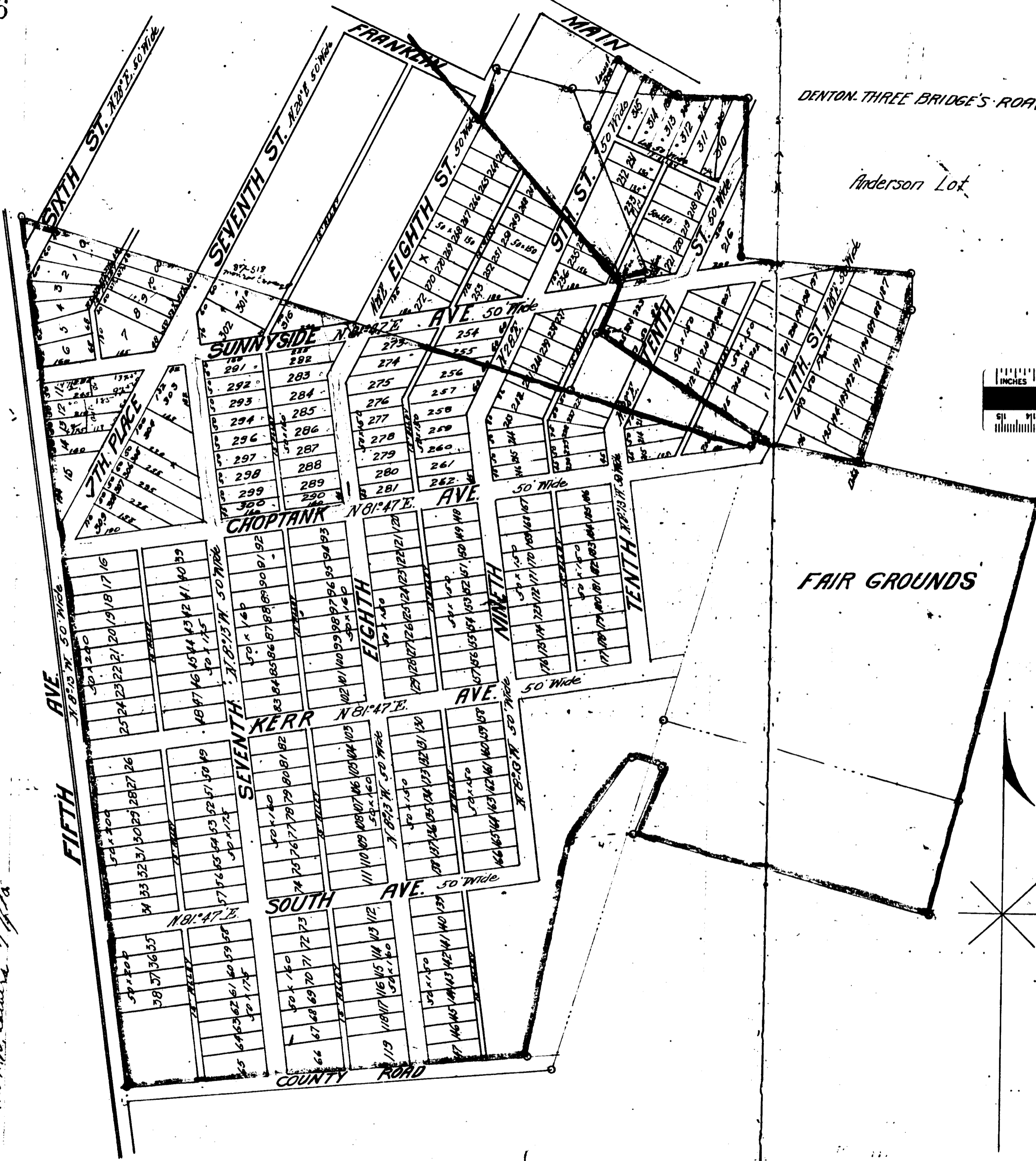
FAIR GROUNDS

L.B.TOWER'S ADDITION TO DENTON

Magnetic Bearings - Scale 200'-1"
8 3/4° W. of True North - Transferred from Plat of
F.M. Latham - Dated Feb. 23, 1909.

Test J. Kemp Stevens, Clerk.

Subst. to L.B. Tower's Plat

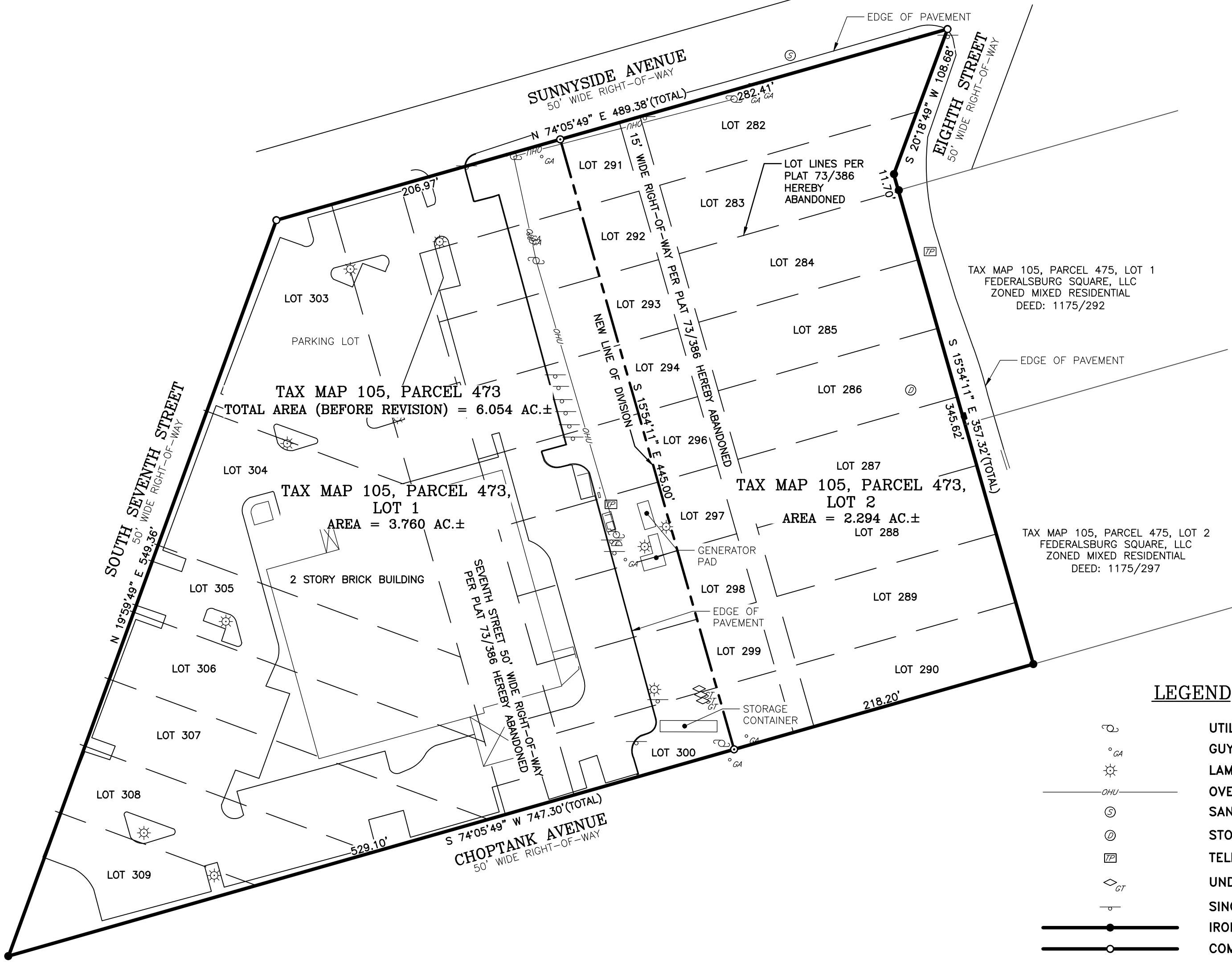


CAROLINE COUNTY CIRCUIT COURT (Plats on Microfilm, CA) Land Records TLD 73, p. 386, MSA, S1534-441. Date available 1910106, printed 02/05/2021

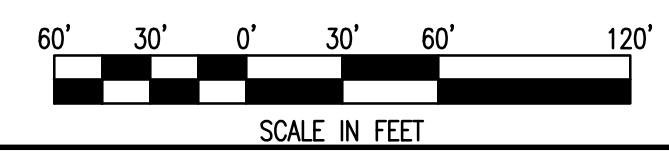
Date: 09/23/2020 - 8:29am User: klane Project Manager: JEH
 Drawing Path: J:\2019\0300\190391\Civil3D\190391\Plots\PLT5-190391.dwg | SHEET 2
 XREF File(s): RAR-BASE-190391\ULD-BASE-190391\RLD-BASE-190391\VBS-BASE-1824-190391\RSF-BASE-190391\HSL-BASE-190391



VICINITY MAP
 SCALE: 1" = 500'
 150' 0' 150' 500'
 SCALE IN FEET



- LEGEND**
- UTILITY POLE
 - GUY WIRE ANCHOR
 - LAMP POLE
 - OVER HEAD UTILITY LINES
 - SANITARY SEWER MANHOLE
 - STORM DRAIN MANHOLE
 - TELEPHONE PEDESTAL
 - UNDERGROUND GAS TANK
 - SINGLE POST SIGN
 - IRON ROD FOUND
 - COMPUTED POINT
 - CONCRETE MONUMENT FOUND



REVISIONS			
No.	DATE	DESCRIPTION	BY

Lane Engineering, LLC
 Established 1986
 Civil Engineers • Land Planning • Land Surveyors

E-mail: general@leinc.com
 117 Bay St. Easton, MD 21601 (410) 822-8003
 15 Washington St. Cambridge, MD 21613 (410) 221-0818
 354 Pennsylvania Ave. Centerville, MD 21617 (410) 758-2095

SEAL

DATE

**ADMINISTRATIVE LINE
 REVISION PLAT**

ON THE LANDS OF
 THE COUNTY COMMISSIONERS
 OF CAROLINE COUNTY

IN THE TOWN OF DENTON
 CAROLINE COUNTY, MARYLAND
 TAX MAP 105, GRID 5, PARCEL 473

ISSUED FOR: SUBMITTED TO TOWN	DATE: 09-23-20	BY: JEH
SHEET No. 2 OF 2	DATE: 09-23-20	JOB No. 190391
SCALE: AS NOTED	FILE No. D258	

NAD 83 (2011)
 MD COORDINATE SYSTEM