

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-ofway 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.

Patrick Thomas

Enclosures

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

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 <u>Exhibit A</u>, 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.

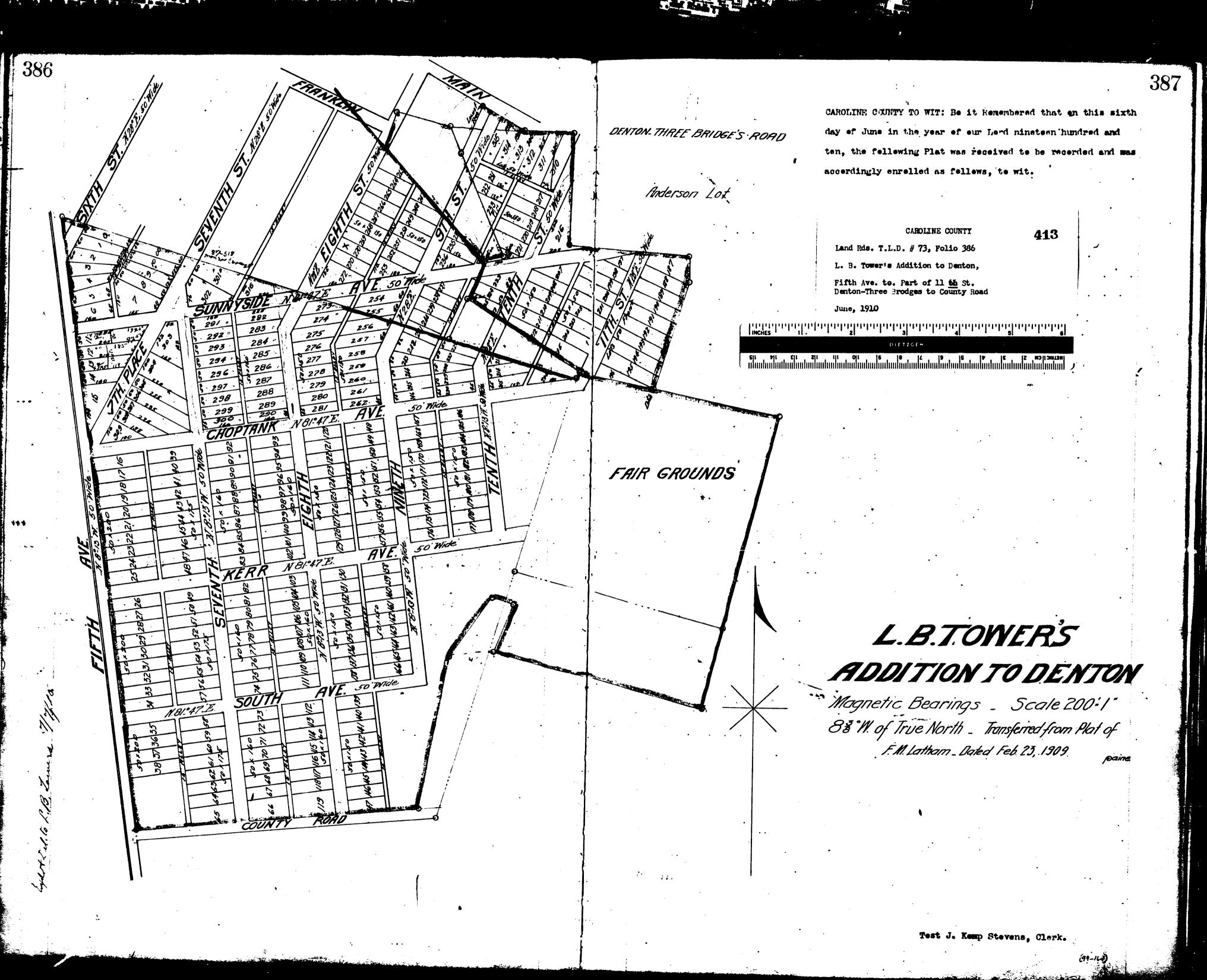
SECTION 5: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Denton Town Council hereby declares that it would have passed this Ordinance, 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	α-Treasurer		
Approved for legal suffic	ciency this	_ day of _	, 2021.
			Christopher F. Drummond, Town Attorney
Date Introduced Date Amendments Introd Date Passed Effective Date	luced		
Text that is stricken out r	eflects language	omitted fi	om the Town Code

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



PROPERTY STATISTICS OWNER'S CERTIFICATE AND DEDICATION TAX PARCEL 473 WE, THE COUNTY COMMISSIONERS OF CAROLINE COUNTY, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, CONSENT TO AND ADOPT THIS PLAN OF LINE REVISION AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES. WE HEREBY DEDICATE TO PUBLIC USE ALL ROADS, STREETS, WALKWAYS AND OPEN SPACE OWNER: THE COUNTY COMMISSIONERS 7.241 OF CAROLINE COUNTY SHOWN HEREON, UNLESS OTHERWISE NOTED ON THIS PLAT. WE CERTIFY THAT THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS, OR RIGHTS-OF-WAY AFFECTING THE PROPERTY DEED REFERENCE: INCLUDED IN THIS PLAN OF SUBDIVISION, AND THAT THE REQUIREMENTS OF THE ANNOTATED CODE OF 73/386 MARYLAND, REAL PROPERTY ARTICLE, SECTION 3-108, AS ENACTED OR AMENDED SO FAR AS IT MAY PLAT: CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH TO THE BEST OF OUR KNOWLEDGE. TAX ACCOUNT NO: 03-000036 ZONING CLASSIFICATION: CM (COMMERCIAL MEDICAL) BUILDING RESTRICTIONS: NON-RESEDENTIAL FRONT: 0' SIDE: 0' (10' FROM RESIDENTIAL ZONES) COUNTY COMMISSIONERS OF CAROLINE COUNTY REAR: 0' (10' FROM RESIDENTIAL ZONES) 2020. THE OWNER HAS SWORN TO AND SUBSCRIBED BEFORE ME THIS ____ DAY OF PLAT PURPOSE THE PURPOSE OF THIS ADMINISTRATIVE LINE REVISION IS TO CREATE TWO NEW DIVISION LINES FOR PARCEL 473, ABANDON THE 50' WIDE RIGHT-OF-WAY KNOWN AS SEVENTH STREET PER PLAT 73/86 AND ABANDON THE 15' WIDE RIGHT-OF-WAY SHOWN ON PLAT 73/86 AND INDICATED HEREON. THIS PLAT ALSO ABANDONS LOTS 282-300 AND LOTS 303-309 AS SHOWN ON PLAT 73/86. NOTARY GENERAL NOTES CAROLINE COUNTY DEPARTMENT OF HEALTH THE IMPROVEMENTS SHOWN HEREON WERE TAKEN FROM 2019 CAROLINE COUNTY AERIALS. THIS LOT LINE REVISION SHOWN HEREON IS APPROVED AS BEING IN CONFORMANCE WITH THE CAROLINE COUNTY COMPREHENSIVE WATER AND SEWER PLAN. HOWEVER, THE APPLICANT OR ANY FUTURE OWNER MUST THE PROPERTY BOUNDARY SHOWN HEREON WAS SURVEYED BY LANE ENGINEERING, LLC ON 12-18-19. DISCONTINUE USE OF ANY INDIVIDUAL WELL/SEPTIC SYSTEMS WHEN THE COMMUNITY SYSTEM(S) BECOMES PUBLIC WATER AND SEWER SERVICES ARE PROVIDED BY THE TOWN OF DENTON. THE COORDINATES SHOWN HEREON ARE BASED ON THE MARYLAND COORDINATE SYSTEM NAD83 (2011), AS ESTABLISHED BY GPS METHODOLOGY TO CORS STATIONS INSERT TWO CLOSEST CORS STATIONS USED HERE. SCALE IN FEET THE DISTANCES SHOWN HEREON ARE GROUND BASED. DATE: CAROLINE COUNTY APPROVING AUTHORITY TIDAL AND/OR NON-TIDAL WETLANDS DELINEATION NOTE NO TIDAL OR NON-TIDAL WETLANDS HAVE BEEN DELINEATED OR LOCATED. FLOOD DATA DATE: THE PROPERTY SHOWN HEREON IS NOT LOCATED IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) TOWN OF DENTON, DIRECTOR OF PLANNING AND CODES SPECIAL FLOOD HAZARD AREA (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD. THE PROPERTY IS MAPPED IN THE "X" FLOOD ZONE AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS FOR COMMUNITY NO. 240104, MAP NO. 24011C0164D FOR THE TOWN OF DENTON, MARYLAND. THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR. THE SFHA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD. THE SFHA INCLUDES ZONES A, AE, AH, AO, AR, A99, V & VE. THE BASE FLOOD ELEVATION (BFE) IS THE WATER SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD. FLOOD INSURANCE MAY BE REQUIRED FOR STRUCTURES LOCATED IN THE SPECIAL FLOOD HAZARD AREA. FLOOD ZONE LEGEND ZONE X - AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD THE FLOOD DATA SHOWN HEREON IS BASED ON AVAILABLE MAPPED AND/OR DIGITAL INFORMATION AND IS DEPICTED AS DIRECTED AND REQUIRED BY FEDERAL, STATE AND LOCAL REGULATIONS. IT IS SUBJECT TO DATA INACCURACIES AND REGULATORY CHANGE AND SHOULD BE VERIFIED PRIOR TO FINALIZING DEVELOPMENT OR IMPROVEMENT PLANS FOR THE SUBJECT LANDS. CHESAPEAKE BAY CRITICAL AREA STATEMENT THE PROPERTY SHOWN HEREON LIES ENTIRELY OUTSIDE THE CHESAPEAKE BAY CRITICAL AREA. SEDIMENT & EROSION CONTROL STATEMENT ANY LAND CLEARING, GRADING, OR OTHER EARTH DISTURBANCE WITHIN THE UNINCORPORATED AREAS OF CAROLINE COUNTY SHALL REQUIRE AN EROSION AND SEDIMENT CONTROL PLAN, APPROVED BY THE CAROLINE COUNTY SOIL CONSERVATION DISTRICT IN ACCORDANCE WITH THE CAROLINE COUNTY SOIL EROSION AND SEDIMENT CONTROL ORDINANCE AND THE STATE OF MARYLAND EROSION AND SEDIMENT CONTROL LAW, COMAR 4-103 AND 26.09.01.05. <u>LOT HISTORY STATEMENT</u> THERE HAVE BEEN NO LOTS PREVIOUSLY SUBDIVIDED AND/OR CONVEYED FROM THE ORIGINAL TAX PARCEL 473 SHOWN HEREON AFTER FEBRUARY 23, 1909. <u>SURVEYOR'S CERTIFICATE</u> HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS CORRECT: THAT IT IS A REVISION OF THE LANDS CONVEYED FROM MARYLAND ECONOMIC DEVELOPMENT CORPORATION TO COUNTY COMMI COUNTY BY DEED DATED AUGUST 16, 2011 IN LIBER F.D.M. 972, FOLIO 155; AND THAT THE REQUIREMENTS OF THE CAROLINE COUNTY SUBDIVISION REGULATIONS AND THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY ARTICLE, SECTION 3-108, AS ENACTED OR AMENDED, SO FAR AS THEY MAY CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH. THIS PLAT HAS BEEN PREPARED BY ME PERSONALLY OR UNDER MY RESPONSIBLE CHARGE AND COMPLIES WITH THE REQUIREMENTS AS SET FORTH IN REGULATION 09.13.06.12 OF THE MARYLAND MINIMUM STANDARDS OF PRACTICE FOR SURVEYORS AND THAT I AM A DULY LICENSED PROPERTY LINE SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 363, AND, SUBJECT TO BIENNIAL RENEWAL, MY CURRENT EXPIRATION DATE IS AUGUST 3, 2021. JEFFERSON E. HUBBARD DATE

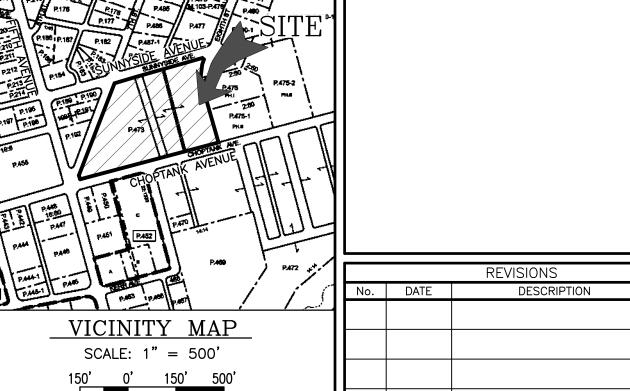
REGISTERED PROPERTY LINE SURVEYOR

MARYLAND REGISTRATION NO. 363

LANE ENGINEERING, LLC.

EASTON, MARYLAND, 21601

117 BAY STREET



Lane Engineering, LLC

Established 1986

Civil Engineers • Land Planning • Land Surveyors

and Planning

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. Centreville, MD 21617 (410) 758-2095

OF MARY TO OF MARY TO

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: BY: **09–23–20 JEH**

SHEET No. 1 OF 2	DATE:
1 01 70	JOB No.
SCALE: AS NOTED	FILE No.

DATE: 09-23-20

JOB No. 190391

FILE No. D258

