

ORDINANCE NO. 3814

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED FOR THE PURPOSE OF CONVEYING TO SEAN MCCAGH AND GARY BLAKE CERTAIN SURPLUS REAL PROPERTY LOCATED EAST OF SHADES LANE AND THE GOETHE STREET ADDITION AND NORTH OF WELTON DRIVE CONSISTING OF 15.07 ACRES, MORE OR LESS, IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND."

WHEREAS, the record title holder of the property described in the title of this Ordinance is unknown and the City does not have possession of or claim an ownership interest in it;

WHEREAS, Sean McCagh and Gary Blake, own parcels of land which abut the subject property and they have requested that the City and other abutting property owners execute quitclaim deeds in order to convey whatever right, claim, title or interest they may have in the subject property to them;

WHEREAS, Dr. McCagh and Mr. Blake intend to develop the subject property and the adjacent parcels they own commercially;

WHEREAS, the Mayor and City Council have determined that the subject property has no value to the City;

WHEREAS, the subject property was declared to be surplus property under the terms of Order No. 26,029, passed by the Mayor and City Council on September 6, 2016; and

WHEREAS, the Mayor and City Council deem the conveyance of the subject property to Dr. McCagh and Mr. Blake to be in the City's best interests due to the fact

that it will assist them in their efforts to develop the property.

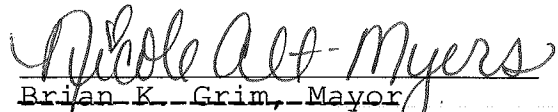
NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor be and he is hereby authorized to execute a Deed in the form attached hereto as Exhibit A in order to effect the conveyance of the real property described in the title of this Ordinance and more particularly described in the Exhibit A attached hereto to Sean McCagh and Gary Blake for the purchase price of \$0.00;

SECTION 2: AND BE IT FURTHER ORDAINED, that the City Solicitor be and he is hereby authorized to execute such other documents as may be required or expedient for the purpose of facilitating and completing the conveyance; and

SECTION 3: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 15th day of November, 2016.


~~Brian K. Grim, Mayor~~

Nicole Alt-Myers, Acting Mayor

ATTEST:


Marjorie A. Woodring, City Clerk

1st reading: 11/1/16
2nd reading: 11/15/16
3rd reading: 11/15/16
Passed 4-0

EXHIBIT A

DEED ONLY - NO TITLE EXAMINATION

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ____ day of November, 2016, from the **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation, Grantor, to **SEAN McCAGH** and **GARY BLAKE**, of Allegany County, Maryland, Grantees.

WITNESSETH:

The Grantor, for and in consideration of the sum of zero dollars (\$0) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby give, grant, bargain and sell, release, convey, confirm and quitclaim unto the Grantees as tenants in common, their personal representatives, heirs and assigns, all of the Grantor's right, title, interest and estate in

ALL that piece or parcel of ground lying westerly of a parcel of land previously conveyed to Sean Leo McCagh and Gary Curtis Blake dated August 30, 2011 and recorded in Deed Liber 1811, Folio 034 and easterly of Goethe Street Addition to Cumberland and being more particularly described as follows (Maryland Grid Courses and Horizontal Measurements being used thru out);

BEGINNING for the same at 5/8" iron pin with cap found at the end of the 2nd line of the aforementioned deed and running thence with the northerly boundary of Weltonwood, LLC recorded in Deed Liber 2010, Folio 153;

1. South 89 degrees 16 minutes 12 seconds West for a distance of 154.11 feet to a 5/8" iron pin with cap previously set, thence;

2. South 88 degrees 16 minutes 07 seconds West for a distance of 270.26 feet to a point on the easterly margin of a 15' alley thence running with the easterly margin of said 15' alley along the easterly side of Goethe Street Addition;

3. North 02 degrees 43 minutes 04 seconds East for a distance of 76.63 feet to a point, thence;

4. North 08 degrees 38 minutes 14 seconds East for a distance of 198.97 feet to a point, thence;

5. North 18 degrees 49 minutes 04 seconds East for a distance of 110.96 feet to a point, thence;

6. North 32 degrees 29 minutes 55 seconds East for a distance of 1289.59 feet to a point on the 6th line of a tract of land conveyed by Barbara A. Smith to Charles L. Smith dated January 12, 1987 and recorded in Deed Liber 562, Folio 338 and running thence with the remainder of the 6th and a portion of the 5th line reversed;

7. South 55 degrees 42 minutes 30 seconds East for a distance of 390.92 feet to a 5/8" iron pin with cap set on the 5th line of the aforementioned deed recorded in Deed Liber 1811, Folio 034, thence running with the remainder of the 5th and the entire 4th and 3rd line;

8. South 24 degrees 47 minutes 20 seconds West for a distance of 367.43 feet to a 5/8" iron pin with cap set, thence;

9. South 34 degrees 51 minutes 01 seconds West for a distance of 709.69 feet to a 5/8" iron pin with cap set, thence;

10. South 17 degrees 35 minutes 20 seconds West for a distance of 335.26 feet to the point of beginning, containing 15.07 acres, more or less, all of which is shown on a "Boundary Survey made for Gary Curtis Blake and Susan McIntyre Blake", and intended to be recorded among the plat records of Allegany County, Maryland.

It is the intention of this Deed to convey to the Grantees as tenants in common, all of Grantor's interest in the property described herein as aforesaid existing in Grantor in any manner, including, but not limited to, as a result of conveyance, devise, inheritance, use, and/or possession. Grantor makes no representation or warranty as to title to the areas in question.

ATTEST:

MAYOR AND CITY COUNCIL
OF CUMBERLAND

Marjorie A. Woodring, City Clerk

By _____(SEAL)
Brian K. Grim, Mayor

**STATE OF MARYLAND
COUNTY OF ALLEGANY, to-wit:**

On this the ____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Brian K. Grim, the Mayor of the Mayor and City Council of Cumberland, a Maryland municipal corporation, who acknowledged himself to be an authorized person on behalf of the said Maryland municipal corporation to execute the within and foregoing instrument for the purposes therein contained by signing the name of the said Maryland municipal corporation, and to further certify that the actual consideration paid for the foregoing conveyance is Zero Dollars (\$0.00).

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

This document has been prepared by the undersigned Maryland licensed attorney.

STEPHEN C. WILKINSON, LLC

By: _____
Stephen C. Wilkinson
220 Washington Street
P.O. Box 1379
Cumberland, MD 21502