

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY - 2017-02

RESOLUTION NO. 06-2017

Title of Resolution: Land Conveyance - Estate of Richard D. Mackie

Synopsis: A Resolution re-conveying land, easements and rights in and to, and retaining a right-of-maintenance over, that certain parcel of real property containing 5,625 square feet or 0.1291 acres of land more or less as shown on a Cecil County, Maryland Right of Way Plat recorded among the Land Records of Cecil County in Book 2871, page 323.

Introduced by: Council President on behalf of the County Executive

Introduced and ordered posted on: January 17, 2017

Public Hearing scheduled on: February 21, 2017 at 7:00 p.m.

Scheduled for consideration on: March 7, 2017

By: James Massey
Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Resolution, having been posted by January 17, 2017 at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on February 8, 2017 and February 15, 2017 a public hearing was held on February 21, 2017 and concluded on February 21, 2017.

By: James Massey
Council Manager

EXPLANATION:

CAPITALS INDICATE LANGUAGE ADDED TO EXISTING RESOLUTION

~~Strike through~~ indicates language deleted from existing Resolution

Underlining indicates language added to Resolution by Amendment

~~Double Strike Through~~ indicates language stricken out of Resolution by Amendment.

1 **WHEREAS**, in 2009, Richard D. Mackie entered into an option contract (the "Option") for the sale
2 of a land preservation easement with the Maryland Agricultural Land Preservation Foundation (MALPF);
3 and

4 **WHEREAS**, the Option stated that Mackie may not mortgage, encumber, or otherwise convey any
5 interest in the property, including refinancing, granting easements, or adding a name to the title, while
6 Option was in effect, without first obtaining the MALPF's written consent; and

7 **WHEREAS**, by deed dated June 10, 2010 and recorded among the Land Records of Cecil County in
8 Book 2871, page 323; Richard D. Mackie ("Mackie") conveyed to the County land, easements and rights in
9 and to that certain parcel of real property containing 5,625 square feet or 0.1291 acres of land more or
10 less, formerly part of Tax ID #04-015894, part of Blake Road, Elkton, Maryland 21921 (the "Property");
11 and

12 **WHEREAS**, the County paid Mackie \$3,500 to acquire the Property; and

13 **WHEREAS**, on June 22, 2010, Mackie conveyed a land preservation easement to the Maryland
14 Agricultural Land Preservation Foundation ("MALPF"), which is recorded among the Land Records of Cecil
15 County in WLB 2861/252; and

16 **WHEREAS**, the purchase price paid by MALPF for the land preservation easement included the
17 Property, which had been previously conveyed by Mackie to County without MALPF's written consent;
18 and

19 **WHEREAS**, Mackie has since passed away, leaving all of his real property, including the property
20 subject the MALPF easement, in the possession of the Estate of Richard D. Mackie (the "Estate"); and

21 **WHEREAS**, MALPF requires that the Property be re-conveyed to Mackie and joined with the
22 property retained by Mackie, on the grounds that the Property is encumbered by the MALPF preservation
23 easement, and should not have been transferred to the County in the first instance; and

24 **WHEREAS**, Mackie passed away on October 27, 2013; and

25 **WHEREAS**, an estate has been opened in the Register of Wills for Cecil County captioned the
26 Estate of Richard D. Mackie, Number 18973 (the "Estate"); and

27 **WHEREAS**, the County has agreed to re-convey the Property to the Estate and add the Property
28 back onto the land recorded among the Land Records of Cecil County NDS 337/856, in consideration of
29 the payment to the County of \$3,500; and

30 **WHEREAS**, the parties have agreed that the County shall retain a right of maintenance over,
31 under, and across the Property; and

32 **WHEREAS**, pursuant to §12-405(b) of the Local Government Article, Annotated Code of Maryland,
33 before the County may re-convey the Property to the Estate of Mackie, the County must first hold a public
34 hearing between the hours of 6:00p.m. and 10:00p.m., and advertise the public hearing at least two
35 weeks before the day of the hearing in a newspaper of general circulation in Cecil County; and

36 **WHEREAS**, the County has scheduled a public hearing to be held at 7:00p.m. on Tuesday,
37 February 21, 2017, and has duly advertised said public hearing at least two weeks before the day of the
38 hearing in a newspaper of general circulation in Cecil County.

39 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
40 **MARYLAND**, that in accordance with its authority as set forth pursuant to §12-405(b) of the Local
41 Government Article, Annotated Code of Maryland, authorization is approved for the conveyance of the
42 Property, which is more fully described in a deed, dated June 10, 2010, and recorded among the Land
43 Records of Cecil County in Book 2871, page 323; in consideration of (a) the retention by the County of
44 right of maintenance over, under, and across the Property; and, (b) payment in the amount of \$3,500
45 from the Mackie Estate to the County.

46 **AND BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND**, that the
47 County Executive is hereby authorized to execute such instruments of conveyance as are necessary to effect
48 the transfer of ownership in the Property to the Mackie Estate.

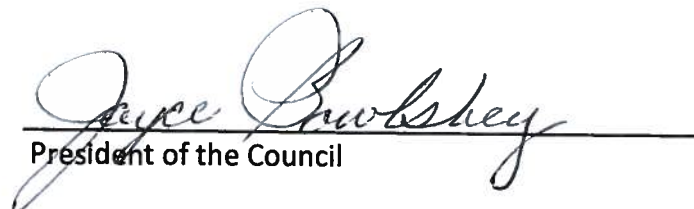
49 **AND BE IT FINALLY RESOLVED THAT** this Resolution shall become immediately effective upon its
50 adoption.

INTRODUCED: January 17, 2017

ADOPTED: March 7, 2017

ATTEST:


Council Manager


President of the Council