

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND  
LEGISLATIVE SESSION DAY 2017-17**

**RESOLUTION NO. 45 - 2017**

**Title of Resolution:** Approval- Transfer of Real Property - Town of Rising Sun - Rails to Trails

**Synopsis:** A Resolution to approve the transfer of real property located within the Town of Rising Sun for use by the Town as part of its Rails to Trails Program.

**Introduced by:** County President on behalf of County Executive

**Introduced and ordered posted on:** September 5, 2017

**Public hearing scheduled on:** October 3, 2017 at: 7:00 p.m.

**Consideration scheduled on:** October 17, 2017

**PUBLIC HEARING**

Notice of time and place of public hearing and title of Resolution having been posted by \_\_\_\_\_ at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on\_\_\_\_\_, a public hearing was held on\_\_\_\_\_, and concluded on\_\_\_\_\_.

**By:** \_\_\_\_\_  
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.

Approval - Transfer of Real Property - Town of Rising Sun - Rails to Trails

1           **WHEREAS**, Section 12-405(b)(1) of the Local Government Article of the Annotated Code of  
2 Maryland provides that the governing body of Cecil County may sell by public or private sale or lease  
3 surplus county real property, and execute and acknowledge any instrument necessary to transfer  
4 the property; and

5           **WHEREAS**, pursuant to Section 12-405(b)(2) of the Local Government Article of the  
6 Annotated Code of Maryland provides that the governing body may contract to transfer an  
7 interest in county real property after a public hearing has been held and advertised for two weeks  
8 in a newspaper of general circulation in the county prior to the public hearing; and

9           **WHEREAS**, the County Executive proposes that Cecil County, Maryland, enter into an  
10 Agreement of Sale with the Town of Rising Sun, in substantially the form as attached as Appendix  
11 1, to enable the County to transfer real property more fully described in the metes and bounds  
12 description attached hereto as Appendix 2 and as depicted on that Soil Erosion and Sediment  
13 Control Plan dated May 8, 2006, a copy of which is attached hereto as Appendix 3, in the Sixth  
14 Election District, Cecil County, Maryland; and

15           **WHEREAS**, the total consideration of purchase for the property will be One Dollar (\$1.00)  
16 and the restriction that the subject real property be used by the Town of Rising Sun as part of its  
17 Rails to Trails program; and

18           **WHEREAS**, the Town of Rising Sun has expressed an interest in acquiring the subject  
19 property for use as part of its Rails to Trails Program; and

20           **WHEREAS**, in accordance with 16 U.S.C. §1247(d)(Interim use of railroad rights-of-way), the  
21 Secretary of Transportation, the Chairman of the Surface Transportation Board, and the Secretary  
22 of the Interior, in administering the Railroad Revitalization and Regulatory Reform Act of 1976 [45  
23 U.S.C. 801 et seq.], encourages State and local agencies and private interests to establish  
24 appropriate trails using the provisions of such programs; consistent with the purposes of that Act,  
25 and in furtherance of the national policy to preserve established railroad rights-of-way for future  
26 reactivation of rail service, to protect rail transportation corridors, and to encourage energy  
27 efficient transportation use, in the case of interim use of any established railroad rights-of-way  
28 pursuant to donation, transfer, lease, sale, or otherwise in a manner consistent with the  
29 aforementioned chapter, where, as here, such interim use is subject to restoration or  
30 reconstruction for railroad purposes, such interim use shall not be treated, for purposes of any law

31 or rule of law, as an abandonment of the use of such rights-of-way for railroad purposes, and  
32 neither this Resolution or the underlying conveyance shall be deemed an abandonment or  
33 discontinuance inconsistent or disruptive of such future use as a railway; and

34 **WHEREAS**, the County Executive has determined that this property is not needed for  
35 government purposes and that the proposed Rails to Trails Program is a recreational use that will  
36 foster physical fitness and tourism within Cecil County, Maryland.

37 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COUNTY COUNCIL OF CECIL**  
38 **COUNTY, MARYLAND**, that the County Executive, or his designee, is hereby authorized to  
39 execute on behalf of the County the Agreement of Sale with the Town of Rising Sun  
40 conveying the real property more fully described in Appendix 2 in consideration for the  
41 payment of \$1.00 by the Town.

42 **AND BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND**,  
43 that this Resolution shall take effect on the date of its passage by the County Council of Cecil  
44 County, Maryland.

**INTRODUCED: September 5, 2017**

**ADOPTED: \_\_\_\_\_**

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
Council Manager