

ORDINANCE NO. 2023-08

THE MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

FOR THE PURPOSE OF DECLARING
THAT CERTAIN REAL PROPERTY
IS NO LONGER NEEDED FOR A PUBLIC USE
AND
AUTHORIZING THE SALE OF THE PROPERTY

WHEREAS, The Town claims in trust for the public use and benefit an interest in a certain alley established by Nicholas Hale in a certain "Plat and Plan of the Town and Lotts of New Market," dated June 1, 1793, and recorded among the land records of this County in Liber WR 11, folios 591-592, said interest being more particularly described by a recent survey as set forth in the description and drawing appended to this Ordinance, namely Tenth Alley, hereinafter called the "Land"; and

WHEREAS, Notwithstanding the depiction of the Land in the 1793 Plat and Plan of the Town aforesaid, the Land has neither been improved nor used for a public purpose; and

WHEREAS, The Town has determined to sell and quitclaim its interest, if any, in the Land to DR Acquisitions, LLC, a West Virginia limited liability company;

NOW, THEREFORE, The Mayor and Council of The Town of New Market ordain as follows:

Section 1. Declaration. The Land is no longer needed for public use.

Section 2. Sale. As provided in Md. Ann. Code, Local Government Article, §5-204 (c)(3), upon not less than twenty (20) days' public notice, the Mayor be and is hereby authorized to sell and quitclaim the Town's interest, if any, in the Land at private sale to DR Acquisitions, LLC and to execute a quitclaim deed conveying the right, title, and interest of the Town, if any, in the Land to DR Acquisitions, LLC in substantially the form attached to this Ordinance, for and in consideration of the sum of Ten (\$10.00) Dollars, with all recording costs, transfer, and recordation taxes to be the responsibility of the purchaser.

ATTEST:

BY ORDER OF THE
MAYOR AND COUNCIL OF
THE TOWN OF NEW MARKET

Town Clerk

By: _____
Winslow F. Burhans III, Mayor

Council Members:

Shannon Rossman, Council Member

Matthew Chance, Council Member

Dennis Kimble Council Member

Chris Weatherly, Council Member

Michael Wright, Council Member

ATTACHMENTS: Metes and bounds description
Survey drawing
Proposed form of deed

INTRODUCED: _____, 2023

ENACTED: _____, 2023

EFFECTIVE: _____, 2023

**Description of
Abandonment of Tenth Alley
New Market Maryland
recorded in Liber WR11 at Folio 591**

“Tenth Alley”

As shown on an unrecorded Boundary Plat entitled “ABANDONMENT OF TENTH ALLEY, NEW MARKET – EAST MAIN” prepared by Harris Smariga & Associates, Inc., and being more particularly described as follows:

Beginning at a point labeled #506(P.O.B.) as shown on the aforementioned Boundary Plat, said point lying and being on the South Right of Way line of Maryland Route 144, Main Street, as shown on Maryland State Highway Administration Plat #56914, said point also lying and being on the East Right of Way line of Tenth Alley as described in the “Plan of New Market” as laid out by Nicholas Hale, dated June 1, 1793, and recorded among the Land Records of Frederick County, Maryland in Liber WR11 at Folio 591-592 thence leaving said point of beginning, as now surveyed with horizontal datum referenced to Maryland State Plane (NAD 83/91) coordinate system and running clockwise with the outlines of said Tenth Alley the following four (4) courses and distances

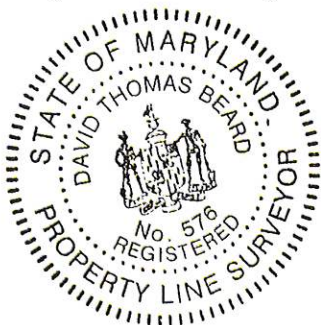
- 1) S. 05° 31' 07" E. 330.00' to a point at the intersection of a 16.5' wide unimproved Alley described in the aforementioned Plan as South Alley, thence running with the North side of said South Alley,
- 2) S. 84° 28' 49" W. 33.00' to a point, said point lying and being on the Western Right of Way of the aforementioned Tenth Alley, thence running and binding with said Right of Way,
- 3) N. 05° 31' 07" W. 330.00' to a point, said point lying and being on the South Right of Way line of Maryland Route 144, Main Street, as shown on the aforementioned Plat #56914 and running with the said Right of Way,
- 4) N. 84° 28' 49" E. 33.00' to the place of first beginning.



The amount of land contained by the foregoing amounts to 10,890 square feet or 0.250 acres, more or less

June 7, 2023
HSA Job No. 7705
Page 2 of 2

I hereby certify that the description shown hereon is correct and is in compliance with Maryland minimum standards of practice and is in compliance with the requirements stated in Comar Title 9 Subtitle 13 Chapter 6 Regulation 12; and that it is based on a field survey performed, under my direct supervision and responsible charge;



7.10.23

David Thomas Beard
Registered Property Line Surveyor
MD. Registration #576, expires 03/23/25
for Harris Smariga & Associates, Inc.
Md. Registration #24

I:\proj\7705\SURVEY\DESCRIPTIONS\ABANDONMENT DESCRIPTION.docx

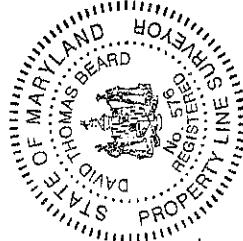
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE PREPARED THIS BOUNDARY SURVEY FOR AND AT THE REQUEST OF THE MAYOR AND COUNCIL OF THE TOWN OF NEW MARKET, MARYLAND, AND THAT THIS SURVEY REPRESENTS ALL OF TENTH ALLEY AS DESCRIBED AND DEDICATED TO PUBLIC USE BY DEED AND PLAT DATED JUNE 1, 1983 AND RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND, AND, IN ADDITION, THAT THE WORK REFLECTED HEREON WAS PREPARED UNDER MY DIRECT SUPERVISION AND IS IN ACCORDANCE WITH COMAR TITLE 08, SUBTITLE 13, CHAPTER 06, REGULATION 12 AND THAT STANDARD SURVEY MARKERS SHOWN ON THIS PLAT WILL BE PLACED AS INDICATED HEREON.

7-10-23

DATE

DAVID THOMAS BEARD
PROPERTY LINE SURVEYOR
MD. REG. NO. 576, EXPIRES 03/23/25
FOR HARRIS, SMARIGA & ASSOC. INC.



BOUNDARY PLAT SHOWING ABANDONMENT OF TENTH ALLEY NEW MARKET - EAST MAIN

PREVIOUSLY RECORDED IN LWR11 F.591
NEW MARKET MARYLAND
NEW MARKET ELECTION DISTRICT No.9
FREDERICK COUNTY, MARYLAND
JUNE, 2023
SCALE" 1"=100'

SHEET 1 OF 1 REFERENCE: LWR11 F.591 Job No: 7705
L15683 F.352

Harris, Smariga & Associates, Inc.

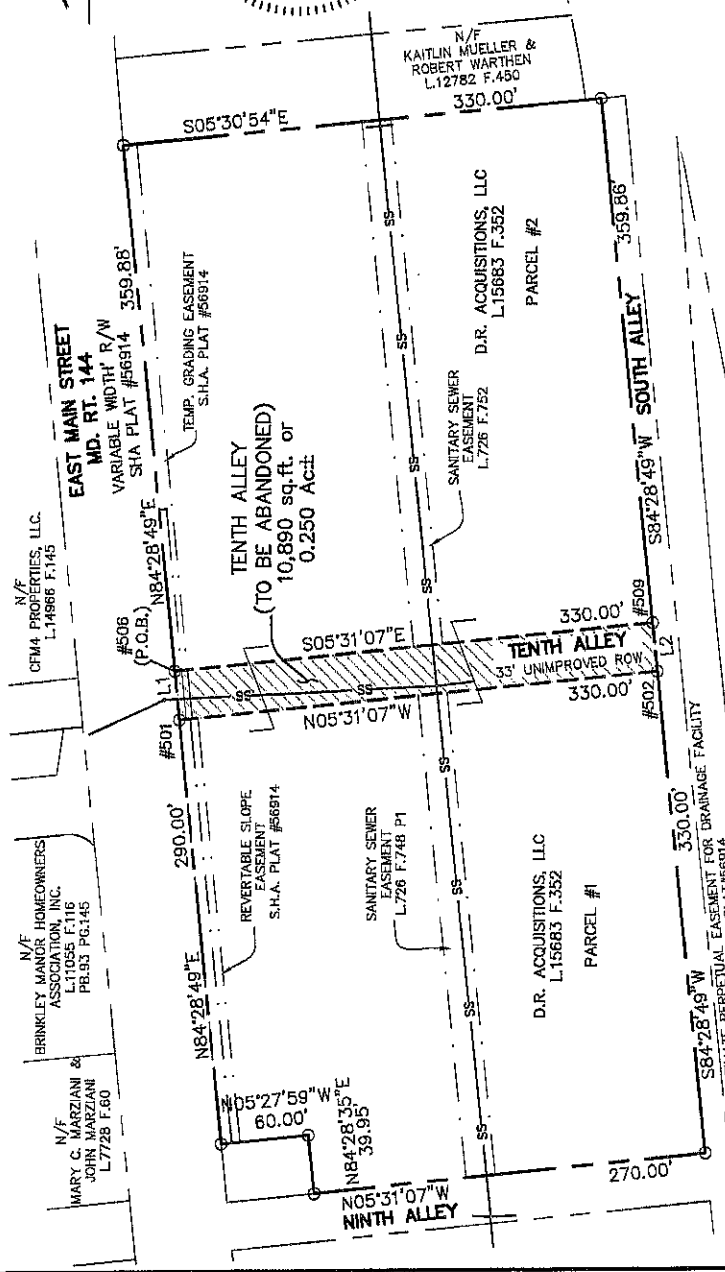
Planners/Engineers/Surveyors
125 South Carroll Street, Frederick, MD 21701
(301) 662-4466/FAX (301) 662-4806

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N84°28'49"E	33.00'
L2	S84°28'49"W	33.00'

COORDINATES ARE MARYLAND STATE GRID AS BASED ON COUNTY MONUMENTS "MEADOW" AND "CHEVES AZ."

COORDINATES

Number	Northing	Easting
501	625266.4682	1237189.2182
502	624937.9948	1237220.9537
506	625269.6424	1237222.0652
509	624941.1690	1237253.8007



BALTIMORE NATIONAL PIKE
MD. RTE 70
VARIABLE WIDTH R/W
S.R.C. PLAT #40351 & 40352

STATE HIGHWAY ADMINISTRATION
L1843 F.481

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ____ day of _____, 2023, by THE TOWN OF NEW MARKET, a municipal corporation,

WITNESSEETH:

The Town of New Market having determined by Ordinance No. 2023-08 that the interest in the real property hereinafter described is no longer needed for public use, for and in consideration of the sum of Ten (\$10.00) Dollars, The Town of New Market quitclaims, without warranty of any kind, unto DR Acquisitions, LLC, a West Virginia limited liability company, all of the public right, title and interest, if any, owned or claimed by the Town or held by the Town in trust for the public, in the real property described in Exhibit A appended to this instrument ("Property") RESERVING HOWEVER unto The Town of New Market all of the interest, if any, of the Town in existing utility and drainage easements.

Nothing in this instrument is intended to alter any private right or interest in the subject property.

WITNESS the execution of this deed as of the day and year first above written.

Michelle Mitchell, Town Clerk

Winslow F. Burhans, III, Mayor

STATE OF MARYLAND, FREDERICK COUNTY, To-wit:

I HEREBY CERTIFY, that on this ____ day of _____, 2023, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared WINSLOW F. BURHANS, III, who acknowledged himself to be the Mayor of the Town of New Market, and that he, as such officer, being authorized so to do, executed the foregoing deed for the purposes therein contained by signing the name of the Town by himself as such officer.

WITNESS my hand and Official Notarial Seal.

Notary Public

My Commission Expires:

This is to certify that the within instrument was prepared by or under the supervision of the undersigned,
an attorney duly admitted to practice before the Court of Appeals of Maryland

Daniel P. Ebersole

EXHIBIT A

As shown on an unrecorded Boundary Plat entitled 'ABANDONMENT OF TENTH ALLEY, NEW MAREKT – EAST MAIN" prepared by Harris Smariga & Associates, Inc, And being more particularly described as follows:

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CLEAR TITLE



An Independent Company

June 29, 2023

DMR Enterprises, Inc.
7945 Wormans Mill Road
Frederick, MD 21701

RE: Project: East Main

SUBJECT: 10th Alley

To Whom It May Concern:

Please be advised that I have reviewed the title reports for the lots on East Main Street, New Market, Maryland 21774 having Tax Identification Numbers of 09-232788 and 09-232761 and formed the following opinion:

1. Both parcels lie adjacent to 10th Alley; a thirty (30) foot wide right of way established by a plat of the town of New Market by a deed dated June 1, 1793.
2. 10th Alley is owned by the Town of New Market.
3. Ownership of 10th Alley is based on a Deed recorded in the Land Records of Frederick County in Liber WR11, Folio 591.
4. Ownership of 10th Alley is not currently in dispute and there are no claims of ownership by claim or right docketed against the owners of 10th Alley.

Should you have any questions please feel free to contact me directly.

Very truly yours,

Jeremy B. Wilson

**5301 Buckeystown Pike, Suite 310
Frederick, Maryland 21704
Phone: 301-798-4939/Fax: 866-388-2398
Info@ClearTitleMd.com**