

**ORDINANCE NO. 3813**

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 CERTAIN SURPLUS PROPERTY LOCATED AT 423 ASCENSION STREET IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND TO CLEAN DEMOLITION, INC."

**WHEREAS**, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 423 Ascension Street in the City of Cumberland, Allegany County, Maryland;

**WHEREAS**, the said property was declared to be surplus property under the terms of Order No. 26,037, passed by the Mayor and City Council on September 20, 2016;

**WHEREAS**, Clean Demolition, Inc. desires to purchase the said property for the sum of \$5,000.00; and

**WHEREAS**, the Mayor and City Council of Cumberland deem it to be in the interest of the City to accept that offer.

**NOW, THEREFORE**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Council accept Clean Demolition, Inc.'s offer to purchase the real property located at 423 Ascension Street, Cumberland, MD 21502 for the purchase price of \$5,000.00, provided that all costs of effecting the transfer shall be borne by Clean Demolition, Inc. and it shall be responsible for the payment of the portion of the current year real estate taxes which is prorated from the date of the deed through the end of the tax year;

**SECTION 2:** AND BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and they are hereby authorized to execute

a deed in the form attached hereto as Exhibit A or in a similar form approved by the City Solicitor, conveying the aforesaid real property to Clean Demolition, Inc. in exchange for the payment of the aforesaid purchase price;

**SECTION 4:** AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 1st day of November, 2016.



\_\_\_\_\_  
Brian K. Grim, Mayor

ATTEST.  
  
\_\_\_\_\_  
Marjorie A. Woodring, City Clerk

**1st reading: 10/18/16**  
**2nd reading: 11/1/16**  
**3rd reading: 11/1/16**  
**Passed: 5-0**

# **EXHIBIT A**

**DEED ONLY – NO TITLE SEARCH**

**THIS QUITCLAIM DEED**, made this \_\_\_\_ day of November, 2016, by and between **Mayor and City Council of Cumberland**, a Maryland municipal corporation, and **Clean Demolition, Inc.**, a Maryland corporation, party of the second part.

**WITNESSETH:**

That for and in consideration of the sum of Five Thousand Dollars (\$5,000.00) cash in hand paid and for other good and valuable considerations, the receipt of all of which is hereby acknowledged, the party of the first part does hereby quitclaim unto the party of the second part, its successors and assigns, all of the party of the first part's right, title, interest and estate in and to the following described property, to wit:

**ALL** that piece and parcel of ground known as 423 Ascension Street, Cumberland, Allegany County, Maryland, and being a portion of Lot No. 85 as recorded in Liber No. 40, folio 130, one of the Land Records of Allegany County, and further described as follows:

**BEGINNING** for the same at an iron pin stake on the Westerly side of Ascension Street at the intersection of said side of Ascension Street with the Southerly side of an alley, said stake being at the end of the second line of said whole Lot as described in Liber No. 40, folio 130, and at the end of a line drawn South 15 degrees West 202.65 feet from the intersection of the Westerly side of Ascension Street with the Southerly side of Williams Street and running (1) thence with the third line of said whole Lot, South 15 degrees West 75 feet to a corner fence post, (2) thence leaving said Ascension Street and with a board fence, North 73 degrees 22 minutes West 62 feet, (3) thence North 15 degrees East 24.3 feet, (4) thence South 75 degrees East 5 feet, (5) thence North 15 degrees East 6 feet, (6) thence North 75 degrees West 16 feet, (7) thence North 15 degrees East 43 feet to a point at the end of 27 feet on the second line of said whole Lot, (8) thence with the remainder of said second line, South 75 degrees East 73 feet to the place of beginning.

**IT BEING** the same property which was conveyed from Shirley I. Gurtler to Mayor and City Council of Cumberland by deed dated August 26, 2014 and recorded among the Land Records of Allegany County, Maryland in Book 2078, Page 179.

**TOGETHER** with the buildings and improvements thereon, and the rights, roads, ways, waters, privileges and appurtenances thereunto belonging or in anywise appertaining.

WITNESS the hand and seal of the party of the first part the day and year first above written.

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL  
OF CUMBERLAND**

\_\_\_\_\_  
**Marjorie A. Woodring, City Clerk**

By: \_\_\_\_\_ (SEAL)  
**Brian K. Grim, Mayor**

**STATE OF MARYLAND,  
ALLEGANY COUNTY, TO WIT:**

I HEREBY CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Brian K. Grim**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the Mayor of Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, and acknowledged the foregoing to be the act and deed of the said Mayor and City Council of Cumberland; and at the same time made oath he is duly authorized by it to make this acknowledgment; and he further certified under the penalties of perjury that the actual consideration for the foregoing conveyance is \$5,000.00 and he further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident entity of the State of Maryland.

WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

I HEREBY CERTIFY that the within and foregoing document was prepared by, or under the supervision of, the undersigned, a Maryland attorney, and that no title search was performed in connection with its preparation.

\_\_\_\_\_  
**MICHAEL SCOTT COHEN**