

ORDINANCE NO. 3704

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED FOR THE PURPOSE OF CONVEYING TO GEORGE R. DIXON AND SANDRA K. DIXON CERTAIN SURPLUS PROPERTY LOCATED IN THE CUMBERLAND-RIDGELEY FLOOD CONTROL PROJECT IN RIDGELEY, MINERAL COUNTY, WEST VIRGINIA."

WHEREAS, Mayor and City Council of Cumberland is the owner of a certain parcel of real property located in the Cumberland-Ridgeley Flood Control Project in Ridgeley, Mineral County, West Virginia;

WHEREAS, George R. Dixon and Sandra K. Dixon own a parcel of land which includes the improvements located at 6 Blocker Street, Ridgeley, Mineral County, West Virginia;

WHEREAS, the building on the easternmost corner of the property located at 6 Blocker Street encroaches on the property owned by the Mayor and City Council of Cumberland more commonly known as the Cumberland-Ridgeley Flood Control Project;

WHEREAS, the Dixons have offered to purchase the area of the encroachment (approximately 55 square feet) from the Mayor and City Council of Cumberland for the sum of \$500.00;

WHEREAS, the U.S. Army Corps of Engineers has determined that the encroachment area is owned by Mayor and City Council of Cumberland and is not critical to the operation of the flood control project;

WHEREAS, the U.S. Army Corps of Engineers has consented to the conveyance which is the subject of this Ordinance, the details of which are set forth in the deed effecting the conveyance, a copy of which is attached

DEC X 6 2011

hereto and incorporated by reference herein as Exhibit 1;
and

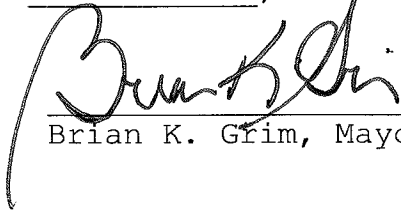
WHEREAS, the Mayor and City Council of Cumberland deem the aforesaid conveyance to be in the interest of the City.

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the Mayor and City Clerk, be and they are hereby authorized to execute a deed in the form attached hereto or in a similar form conveying the real property and the improvements thereon located in the Cumberland-Ridgeley Flood Control Project, consisting of 55 square feet, more or less, to George R. Dixon and Sandra K. Dixon in consideration of their payment of \$500.00 as the purchase price therefor; and

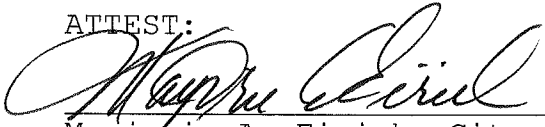
SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 6th day of December, 2011.



Brian K. Grim, Mayor

ATTEST:



Marjorie A. Eirich, City Clerk

1st reading: 11/22/2011
2nd 3rd readings: 12/06/2011
Effective: 12/06/2011

EXHIBIT 1

District: Ridgeley Municipal , Map: _____ , Parcel: _____

THIS DEED, is made this _____ day of _____, 2011, by and between **GEORGE R. DIXON**, Grantor, and **GEORGE R. DIXON and SANDRA KAY DIXON, husband and wife**, Grantees, and **MAYOR AND CITY COUNCIL OF CUMBERLAND**, Party of the Third Part.

WITNESSETH, that for and in consideration of the sum of **FIVE HUNDRED DOLLARS AND NO CENTS (\$500.00)** cash in hand paid to the party of the third part, and receipt of which is hereby acknowledged, and for other good and valuable considerations, the said Grantor do hereby bargain, sell and convey, with covenants of general warranty, unto the Grantee, in fee simple title, the following described property:

ALL that parcel of land located on the eastern side of Blocker Street in Ridgeley Municipal District, Mineral County, WV as shown on a plat prepared by Geoffrey D. Green, P.S. 1387, and also described as follows:

BEGINNING at a rebar set on the East side of Blocker Street, thence leaving said street with the original line

South 48 degrees 49 minutes 00 seconds East 20.00' to a rebar set at the corner of "Local Permanent Area" Tract No. PC12, Local Flood Protection, Potomac River Channel Improvement, thence with "Local Permanent Area"

South 06 degrees 51 minutes 37 seconds West 6.40' to a point at the edge of a building located on #6, thence with the building and land to be conveyed to G. R. Dixon by the City of Cumberland, MD.

South 49 degrees 17 minutes 43 seconds East 8.60' to a corner of the building, thence continuing with said building

South 40 degrees 50 minutes 20 seconds West 12.79' to a calculated point, in the line of the "Local Permanent Area", thence with it and #6

South 06 degrees 51 minutes 37 seconds West 14.02' to a calculated point in a line of #8 Blocker Street, 31.58' short of a rebar set, thence with #8

North 49 degrees 06 minutes 55 seconds West 39.85' to a calculated point on the East side of Blocker Street, thence with said street

North 40 degrees 31 minutes 32 seconds East a distance of 29.79' to the point of **BEGINNING**, having an area of 0.02 acres, more or less, in all, which includes 55 square feet of the building located in the "Local Permanent Area". Survey was conducted in March, 2008 and this plat and description was created in June, 2010.

BEING part of that parcel conveyed unto George R. Dixon, by a Deed recorded at Deed Book 246, page 395, in the Office of the Clerk of the County Commission of Mineral County, West Virginia, and 55 square feet of "Tract No. PC 12" owned by th City of Cumberland, Maryland.

THE PARTY OF THE THIRD PART joins in this conveyance to quitclaim any and all right, title and interest in the described 55 square feet of "Tract No. PC 12" owned by the City of Cumberland, Maryland.

This conveyance is made subject to and together with any covenants, conditions, agreements, easements, rights, right of ways and/or restrictions of record and in existence.

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

TO HAVE AND TO HOLD the above-granted property unto the said Grantees, **GEORGE R. DIXON and SANDRA KAY DIXON**, their heirs and assigns, forever in fee

simple.

It is the intention of this conveyance to vest title to said property in the Grantees jointly and equally, and to the survivor of either of them, so that upon the death of either, the entire interest in said property will immediately vest in the survivor.

DECLARATION OF CONSIDERATION OR VALUE

I HEREBY DECLARE that the total consideration paid for the property hereby conveyed by the Document to which this Declaration is appended is **FIVE HUNDRED DOLLARS AND NO CENTS (\$500.00)**.

WITNESS, our hands and seals the day and year first above written.

George R. Dixon (SEAL)
George R. Dixon, Grantor

MAYOR AND CITY COUNCIL OF CUMBERLAND

Marjorie A. Eirich, City Clerk By: _____ (SEAL)
Brian K. Grim, Mayor

STATE OF South Carolina
Aiken COUNTY, TO-WIT:

I, Mary I Clark, a Notary Public in and for the County and State aforesaid, do certify that **George R. Dixon**, whose name is subscribed to the foregoing writing, bearing the 8th day of September, 2011, has this day acknowledged the same before me in my County and State.

GIVEN, under my hand this 8th day of Sept., 2011.

Mary I Clark

Notary Public

My Commission Expires: My Commission Expires June 21, 2015

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

I HEREBY CERTIFY, that on this ____ day of _____, 2011, 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 the City 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 \$500.00.00 and that the total payment made to the grantor was \$500.00 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 of the State of Maryland.

WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires: _____

This instrument was prepared by:

Seth B. D'Atri, Esq.
Trozzo, Lowery, Weston & Rock
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Cumberland, MD 21502
(301) 759-4343