

**ORDINANCE NO. 3862**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO AUTHORIZE THE TERMS FOR THE CONVEYANCE OF 301-303-305-307-309 ARCH STREET, CUMBERLAND, MARYLAND TO CUMBERLAND HOUSING ALLIANCE, INC. AND TO AUTHORIZE THE EXECUTION OF A DEED TO EFFECT THAT CONVEYANCE."

**WHEREAS**, Mayor and City Council of Cumberland is the fee simple owner of certain parcels of real property located at 301-303-305-307-309 Arch Street, Cumberland, Maryland (collectively referred to as the "Property");

**WHEREAS**, the Property was declared surplus under the terms of Order Nos. 26,520 and 26,530, respectively passed by the Mayor and City Council on September 3, 2019 and September 19, 2019;

**WHEREAS**, Cumberland Housing Alliance, Inc. ("CHA") requested that the City donate the Property to it on the condition that it construct a single-family dwelling on it; and

**WHEREAS**, subject to the hereinafter set forth terms, the Mayor and City Council deem the donation of the Property to CHA to be in the City's best interests.

**NOW, THEREFORE**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Council shall donate the Property to CHA on the following terms and conditions:

- A. CHA shall pay all recordation and transfer taxes required to record the deed effecting the conveyance of the Property to it;

- B. It will pay the deed recordation fee charged by the court;
- C. It will be responsible for the payment of any City and County real estate taxes which may be due from the date of the deed through the remainder of the tax year and it will assume responsibility for the payment of those taxes thereafter;
- D. The Property will be transferred to it by means of a quitclaim deed containing no warranties or covenants of any kind;
- E. It shall pay the City's \$100.00 deed recordation fee unless it records the deed on its own; and
- F. The conveyance shall be made by means of the deed attached hereto which includes the terms and conditions set forth hereinbefore as well as those set forth therein.

**SECTION 2:** AND BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and they are hereby authorized to execute a deed conveying the Property to CHA subject to the aforesaid terms and conditions;

**SECTION 3:** AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 19 day of Nov., 2019.

  
Raymond M. Morriss, Mayor

ATTEST:

  
Marjorie A. Woodring, City Clerk

NO TITLE SEARCH PERFORMED

**THIS QUITCLAIM DEED**, made this \_\_\_\_ day of November, 2019, by and between **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation, party of the first part, and **CUMBERLAND HOUSING ALLIANCE, INC.**, a Maryland corporation, party of the second part.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) 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 parcels of real property lying and being in the City of Cumberland, Allegany County, Maryland which are listed below and described as follows, to wit:

| Map | Parcel | Tax ID #   | Liber / Folio | Description         |
|-----|--------|------------|---------------|---------------------|
| 111 | 1842   | 04-028872  | 2406/ 227     | 301-303 Arch Street |
| 111 | 1841   | 04-038495  | 2367/423      | 305 Arch Street     |
| 111 | 1840   | 04-007441  | 2050/077      | 307 Arch Street     |
| 111 | 1839   | 04- 006755 | 2426/ 96      | 309 Arch Street     |

**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-described property unto the party of the second part, its successors and assigns, in fee simple forever.

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)  
**Raymond M. Morriss,  
City Administrator**

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

I HEREBY CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Raymond M. Morriss**, 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 \$0.00. 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**

# Council Agenda Summary

Meeting Date: November 5, 2019

**Agenda Item Number:** Ordinance 3862

Key Staff Contact: Jeff Rhodes

## *Item Title:*

Ordinance 3862 – authorizing the terms for conveyance of 301-303,305,and 307 - 309 Arch Street to the Cumberland Housing Alliance, Inc. and authorizing execution of a deed to effect the conveyance

## *Summary:*

The City utilized Allegany County Enhancement Funding to assist with the demolition of blighted properties the City had acquired at 301/303 and 305 Arch Street. As the City had previously acquired 307/309 Arch Street as a blighted property, the stated plan was to demolish all properties and transfer them to the Housing Alliance for the development of a single family home. The lots are small and all were required to accommodate one single family residence.

All properties have been declared surplus.

## *Issues and Considerations:*