

# CITY COUNCIL

## READ FILE COVER SHEET

Subject: **Ordinance to Accept Deed of Easement for Sanitary  
Sewer to include Sewer Pump Station & Force Main  
(Public Hearing)**

Date: **3/21/2023**

**Notice:** Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

<input type="checkbox"/>	FYI
<input checked="" type="checkbox"/>	<b>Read and Comment as Needed</b>
<input checked="" type="checkbox"/>	<b>Action Required by April 3, 2023</b>
<input type="checkbox"/>	In Confidential File Drawer

Approve:

Casi Boyer	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
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Comment: \_\_\_\_\_

Dave Martin	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
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Comment: \_\_\_\_\_

Jim Ringsaker	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
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Comment: \_\_\_\_\_

Jason Robertson	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
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Comment: \_\_\_\_\_

Tammy Lynn Schneegas	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
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Comment: \_\_\_\_\_

Carolyn Zinner	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No Comment
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Comment: \_\_\_\_\_

Note: N/A

CITY COUNCIL  
OF  
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1100

Introduced by \_\_\_\_\_ Council Member Zinner

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF  
HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY  
OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE  
LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE  
OF MARYLAND AND SECTIONS 33 AND 34 OF THE HAVRE DE  
GRACE CITY CHARTER, FOR THE PURPOSE OF ACCEPTING A  
DEED OF EASEMENT WITH RESPECT TO SANITARY SEWER TO  
INCLUDE SEWER PUMP STATION AND FORCE MAIN LOCATED  
ON PROPERTY OF THE MARYLAND NATIONAL GUARD**

On: March 20, 2023

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

**PUBLIC HEARING**

A Public Hearing is scheduled for April 3, 2023 at 7:00 p.m.

EXPLANATION

Underlining indicates matter  
added to existing law.

**[Bold Brackets]** indicate matter  
deleted from existing law.

Amendments proposed prior to  
final adoption will be noted on a  
separate page with line  
references or by handwritten  
changes on the draft legislation.

34       **WHEREAS**, State of Maryland, Department of Militia, otherwise known as the Maryland  
35 Army National Guard (“MDANG”) desires to execute a deed of easement (substantially in the  
36 form attached hereto) with respect to sanitary sewer to include a sewer pump station and force  
37 main on property identified as Tax Account Number 06-034667 and more specifically shown on  
38 the attached Deed of Easement (Exhibit 1) and Exhibits A and B attached thereto (“Easement  
39 Area”); and  
40

41       **WHEREAS**, the Mayor and City of Council of Havre de Grace (“City”) desires to accept  
42 the Deed of Easement to provide the City with access for ongoing maintenance and repair and  
43 operation of the sanitary sewer system, including the sewer pump station and force main located  
44 in the Easement Area; and  
45

46       **WHEREAS**, the MDANG intends to execute a Deed of Easement in substantially the form  
47 that is attached hereto as Exhibit 1; and  
48

49       **WHEREAS**, the City’s acquisition of the easement is for a public purpose.  
50

51       **NOW THEREFORE**, it is this \_\_\_\_ day of \_\_\_\_\_ 2023, determined,  
52 decided, and ordained by a majority of the City Council members that:  
53

54               The Mayor is authorized to sign a deed of easement in substantially similar form that  
55 is attached hereto as Exhibit 1 and take such other action needed to acquire the  
56 easement from the Maryland Army National Guard as set forth in this ordinance.  
57

58       The foregoing Ordinance is hereby approved by the City Council.  
59

60       ADOPTED by the City Council of Havre de Grace, Maryland this \_\_\_\_ day of \_\_\_\_\_, 2023.  
61

62       SIGNED by the Mayor and attested by the Director of Administration this \_\_ day of \_\_\_\_\_,  
63 2023.  
64

65  
66       ATTEST:

67                               MAYOR AND CITY COUNCIL  
68                               OF HAVRE DE GRACE  
69

70       \_\_\_\_\_  
71       Stephen J. Gamatoria  
72       Director of Administration  
73

74       \_\_\_\_\_  
75       William T. Martin  
76       Mayor  
77

78       Introduced/First Reading:     3/20/2023

Public Hearing:

Second Reading/Adopted:

Effective Date:

**EXHIBIT 1**

**DEED OF EASEMENT**  
**WITH RESPECT TO SANITARY SEWER TO INLCUDE**  
**SEWER PUMP STATION AND FORCE MAIN**  
**Tax Account 06-034667**

**THIS DEED OF EASEMENT AGREEMENT** (this “Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2023, by and among the **STATE OF MARYLAND**, Department of Militia also known as Maryland Army National Guard (as “**Grantor**”); and **THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND**, a Maryland Municipal corporation (“**City**”).

**WHEREAS**, the Grantor is the owner in fee simple of a certain tract of land consisting of 0.4638 acres more or less and being part of that land conveyed by the Harford Agricultural and Breeders Association, Incorporated, to the State of Maryland for the use of the Militia Department by Deed dated October 9, 1951, and recorded in the land records of Harford County, Maryland in liber 363, folio 560 (“Easement Area”); and

**WHEREAS**, the City desires to replace, construct, maintain, and use a sewage pump station and force main together with associated pipes and underground facilities to accommodate the operation of the sewage pump station and force main (“Public Utilities”) which will be located on the Property; and,

**WHEREAS**, the City desires to obtain rights of access to and over the Easement Area and the Grantor is willing to grant such right;

**NOW THEREFORE**, in consideration of the premises, which are incorporated herein by reference, the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant and convey unto the City, its successors and assigns, a perpetual utility easement with the right to lay, construct,

maintain, and use pipes and other municipal utility facilities and services, including a sewage pumping station and force main, in and through the land of the Grantor, situate within the boundaries of the City of Havre de Grace, SIXTH ELECTION DISTRICT of Harford County, Maryland, said water pipes and other municipal facilities defined as the Public Utilities above to be laid in the Easement Area which is described as follows:

See Exhibit A for legal description metes and bounds and Exhibits B-1, B-2 and B-3 for the engineered surveys which are incorporated herein and made a part hereof by reference.

BEING part of that tract or parcel of land conveyed by and described in a deed dated October 9, 1951, from the Harford Agricultural and Breeders' Association, Incorporated to the State of Maryland, for the use of the Department of Militia, its successors and assigns, in fee simple, and recorded among the Land Records of Harford County in Liber 363, folio 560.

**TO HAVE AND TO HOLD** said easement unto the City, its successors and assigns, forever subject to the following terms and conditions:

1. The Grantor does hereby agree that the City, its successors and assigns, shall have the right and privilege of entering upon the aforesaid land, whenever it may be necessary, to make openings and excavations and to lay, construct and maintain said municipal utilities and appurtenances; and it is further agreed that no buildings or similar structures of any kind shall be erected in, or over the said perpetual easement by any of the parties hereto, their successors, or assigns.

2. The City agrees to the following:

- a. To install a stub from any manhole for future connection, as determined by the City;

- b. If any fencing belonging to Grantor is removed during installation of the Public Utilities, to erect a temporary fence for security during hours when no actual work is in progress;
- c. Replace any macadam removed or damaged.
- d. Substantially restore the land to its original condition except to the extent permanent alterations in the landscape are required to maintain the Public Utilities within the standards issued by Federal, State or local governments or agencies as determined by an engineer retained by the City, or as otherwise may be agreed by the parties in writing.

**AS WITNESS**, the due execution hereof by the aforementioned parties:

WITNESS/ATTEST:

STATE OF MARYLAND

\_\_\_\_\_  
Name: [type name here]  
Title: Authorized Person

ATTEST:

**THE MAYOR AND CITY COUNCIL OF  
HAVRE DE GRACE**

\_\_\_\_\_  
Stephen J. Gamatoria  
Director of Administration

By: \_\_\_\_\_ (SEAL)  
William T. Martin  
Mayor

Approved for legal sufficiency:

Recommended for approval:

\_\_\_\_\_  
City Attorney,  
April C. Ishak

\_\_\_\_\_  
E.J. Millisor  
Director of Department of Public Works

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Recommended for approval:

\_\_\_\_\_  
Timothy Whittie, PE  
City Engineer

[THIS SPACE INTENTIONALLY BLANK]

Public Hearing

STATE OF \_\_\_\_\_, CITY/COUNTY OF \_\_\_\_\_, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be an Authorized Person of \_\_\_\_\_, Owner, and that, being authorized to do so, he executed the foregoing document on behalf of said Owner, and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public

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

STATE OF MARYLAND, CITY/COUNTY OF HARFORD, to wit:

I HEREBY CERTIFY, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared William T. Martin, who acknowledged himself to be the Mayor of the City of Havre de Grace, Maryland, a Maryland Municipal Corporation, duly authorized and empowered to act on behalf of the Mayor and City Council of Havre de Grace, and who acknowledged the foregoing to be the act and deed of **THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE**.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public

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



**CERTIFICATION**

This is to certify that the within instrument was prepared by the undersigned Maryland attorney.

\_\_\_\_\_  
April Ishak, Esquire  
224 N. Washington Street  
Havre de Grace, Maryland 21078  
(443) 502-5558

RETURN TO:  
April Ishak, Esquire  
224 N. Washington Street  
Havre de Grace, Maryland 21078  
(443) 502-5558

## EXHIBIT A



700 East Pratt Street, Suite 500 | Baltimore, MD 21202 | P 410.728.2900 | T 800.787.3755 | www.rkk.com

### Exhibit "A"

**Description of  
Sanitary Sewer Easement  
State of Maryland, Militia Department  
(Maryland National Guard)  
Tax Account # 034667  
Liber 363 Folio 560  
Sixth Election District  
City of Havre de Grace  
Harford County, Maryland**

Being part of that land conveyed by the Harford Agriculture and Breeders Association, Incorporated, to the State of Maryland for the use of the Militia Department by the deed dated October 9th, 1951, and recorded in the land records of Harford County, Maryland in liber 363, folio 560.

Beginning for the same at a point on the North 46° 20' 35" West 845.72 foot line, on the plat entitled 'MARYLAND NATIONAL GUARD PROPERTY - 1.4427 Ac. PARCEL OF LAND & 0.3242 PARCEL OF LAND - TO BE CONVEYED TO THE CITY OF HAVRE de GRACE', as recorded in plat book 103, page 82 of the land records of Harford County, Maryland, said line being shown as 'New Line of Division' on said plat, said point of beginning being a distant North 46° 31' 14" West 66.25 feet from the beginning of said line, thence through the property of the State of Maryland, with all bearings being related to North American Datum 1983/2011 (NAD 83/11),

1. South 48° 15' 49" West, 392.00 feet;
2. South 41° 42' 54" East, 100.40 feet;
3. South 52° 57' 58" East, 19.22 feet;
4. North 48° 17' 03" East, 21.22 feet;
5. South 41° 42' 58" East, 104.41 feet;
6. South 48° 06' 08" West, 122.66 feet;
7. North 41° 53' 51" West, 67.35 feet;
8. North 48° 17' 02" East, 88.91 feet;
9. North 52° 57' 58" West, 56.39 feet;

Prepared: February 14, 2022

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10. North 41° 42' 58" West, 109.86 feet;
11. North 03° 17' 02" East, 16.29 feet;
12. North 48° 15' 49" East, 398.80 feet; to a point on the above mentioned North 46° 20' 35" West 845.72 foot line, thence binding reversely on said line,
13. South 46° 31' 14" East, 20.07 feet to the POINT OF BEGINNING.

**CONTAINING** 20,201 square feet or 0.4638 acres of land, more or less, and shown on Exhibit B-1, B-2, and B-3 attached hereto and made a part hereof.

A licensee either personally prepared this description or was in responsible charge over its preparation and the surveying work reflected in it, all in compliance with requirements set forth in COMAR Regulation 09.13.06.12.

A handwritten signature in black ink, appearing to read 'Frederick Greim III'.

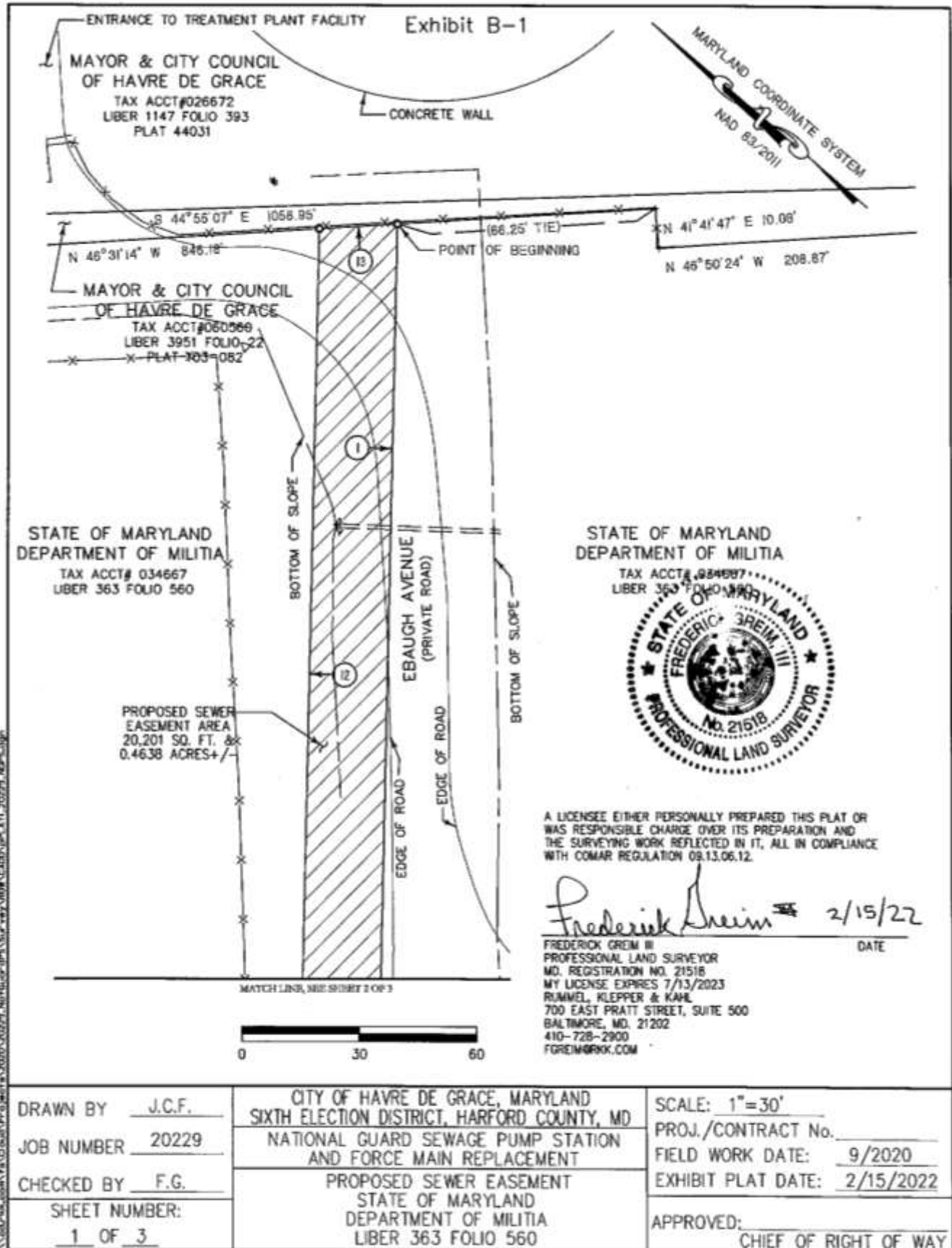
Frederick Greim III  
Maryland Licensed Professional Land Surveyor # 21518  
License Expires July 13, 2023

2/15/22

Date



## EXHIBIT B



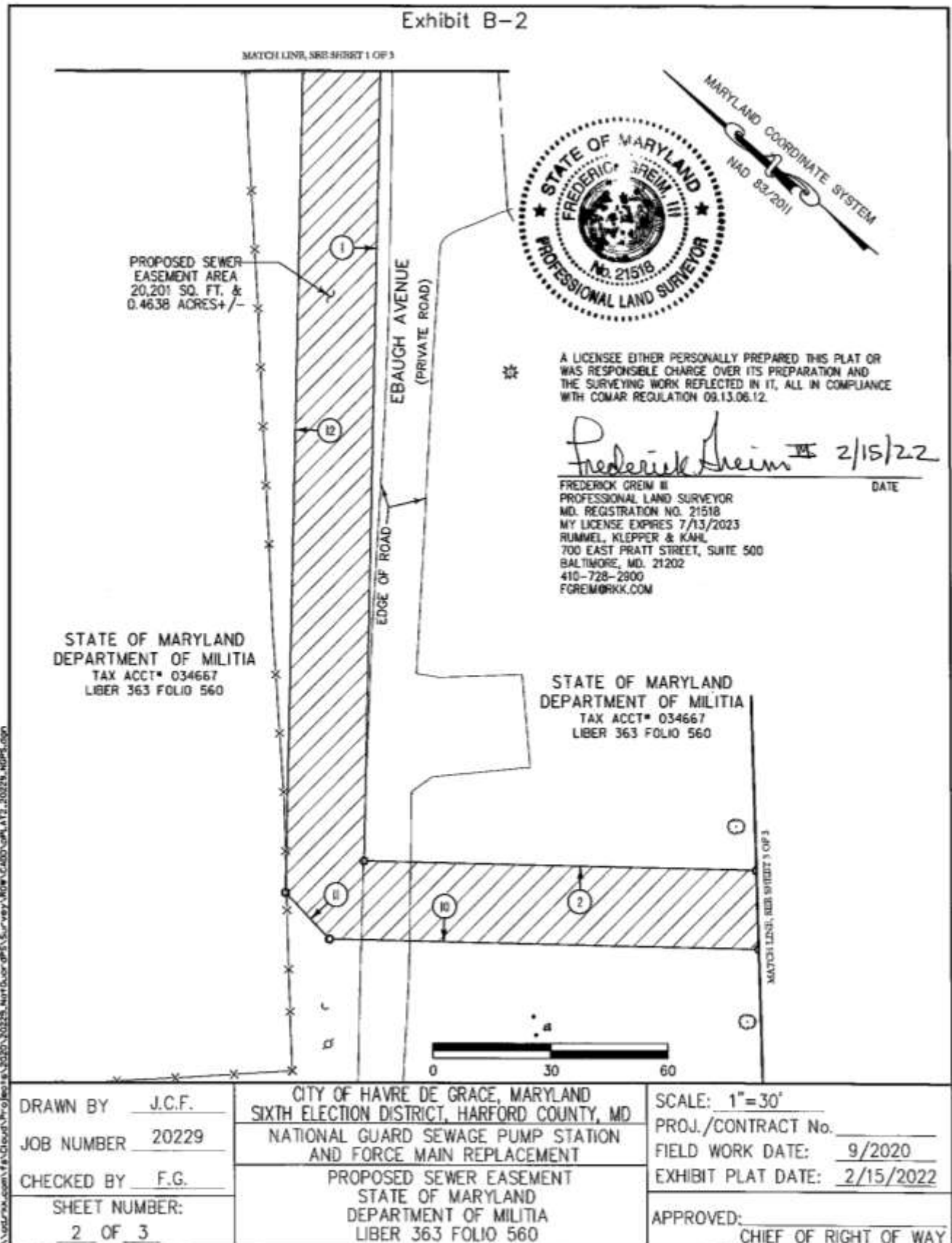


Exhibit B-3

STATE OF MARYLAND  
DEPARTMENT OF MILITIA  
TAX ACCT\* 034667  
LIBER 363 FOLIO 560

PROPOSED SEWER  
EASEMENT AREA  
20,201 SQ. FT. &  
0.4638 ACRES±

DRIVEWAY  
(GRAVEL)

EX. PUMP STATION

MARYLAND COORDINATE SYSTEM  
NAD 83/2011

MATCH LINE, SEE SHEET 2 OF 3

STATE OF MARYLAND MILITIA DEPARTMENT		
REC'D		
LIBER	FOLIO	
1	S 48°15'49" W	392.00'
2	S 41°42'54" E	100.40'
3	S 52°57'58" E	19.22'
4	N 48°17'03" E	21.22'
5	S 41°42'58" E	104.41'
6	S 48°06'08" W	122.66'
7	N 41°53'51" W	67.35'
8	N 48°17'02" E	88.91'
9	N 52°57'58" W	56.39'
10	N 41°42'58" W	109.86'
11	N 03°17'02" E	16.29'
12	N 48°15'49" E	398.80'
13	S 46°31'14" E	20.07'

SEWER EASEMENT AREA  
20,201 SQ. FT. OR 0.4638 ACRES±  
SHOWN THUS:

A LICENSEE EITHER PERSONALLY PREPARED THIS PLAT OR WAS RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH COMAR REGULATION 09.13.06.12.

*Frederick Greim III* 2-15-22  
DATE

FREDERICK GREIM III  
PROFESSIONAL LAND SURVEYOR  
MD. REGISTRATION NO. 21518  
MY LICENSE EXPIRES 7/13/2023  
RUMMEL, KLEPPER & KAHL  
700 EAST PRATT STREET, SUITE 500  
BALTIMORE, MD. 21202  
410-726-2900  
FGREIM@RKK.COM

DRAWN BY J.C.F.

JOB NUMBER 20229

CHECKED BY F.G.

SHEET NUMBER:  
3 OF 3

CITY OF HAVRE DE GRACE, MARYLAND  
SIXTH ELECTION DISTRICT, HARFORD COUNTY, MD

NATIONAL GUARD SEWAGE PUMP STATION  
AND FORCE MAIN REPLACEMENT

PROPOSED SEWER EASEMENT  
STATE OF MARYLAND  
DEPARTMENT OF MILITIA  
LIBER 363 FOLIO 560

SCALE: 1"=30'

PROJ./CONTRACT No. \_\_\_\_\_

FIELD WORK DATE: 9/2020

EXHIBIT PLAT DATE: 2/15/2022

APPROVED: \_\_\_\_\_  
CHIEF OF RIGHT OF WAY