

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1135 concerning Accepting a Deed of Easement
for 973 Chesapeake Drive**

(Public Hearing)

Date: **12/19/2023**

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:

- FYI
- Read and Comment as Needed**
- Action Required by January 2, 2024**
- In Confidential File Drawer

Approve:

Johnny Boker Yes No No Comment

Comment: _____

Casi Boyer Yes No No Comment

Comment: _____

Vicki Jones Yes No No Comment

Comment: _____

Jim Ringsaker Yes No No Comment

Comment: _____

Jason Robertson Yes No No Comment

Comment: _____

Tammy Lynn Schneegas Yes No No Comment

Comment: _____

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1135

Introduced by _____ Council Member Schneegas

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 PUBLIC FACILITIES TO INCLUDE A MUNICIPAL WATER LINE ACROSS THE PROPERTY LOCATED AT 973 CHESAPEAKE DRIVE

On: 12/18/2023
at: 7:00 p.m.

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

PUBLIC HEARING

A Public Hearing is scheduled for January 2, 2024 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, the owner of real property located at 973 Chesapeake Drive (“Owner”)
35 desires to execute and dedicate a deed of easement (substantially in the form attached hereto) with
36 respect to a municipal water line that will be installed on the property identified as Tax Account
37 Number 06-035930 and more specifically shown on the attached deed of easement (Exhibit 1)
38 (“Deed of Easement”) and Exhibits A and B attached thereto (“Easement Area”); and

39
40 WHEREAS, the purpose of easement is to allow a municipal water line to be installed so
41 that the adjoining property known as 904 Hebditch Lane can receive City water; and

42
43 WHEREAS, the Mayor and City of Council of Havre de Grace (“City”) desires to accept
44 the Deed of Easement to provide the City with a utility easement for the purpose of access to, and
45 maintenance and repair of, the municipal water line as may be required from time to time; and

46
47 WHEREAS, the Owner intends to execute a Deed of Easement in substantially similar
48 form as attached hereto as Exhibit 1; and

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

51
52 NOW THEREFORE, it is this ____ day of _____ 2024, determined,
53 decided, and ordained by a majority of the City Council members that:

54
55 The Mayor is authorized to sign a deed of easement in substantially similar form
56 that is attached hereto as Exhibit 1 and take such other action needed to acquire
57 and record the easement from the Owner of 973 Chesapeake Drive for the
58 purposes set forth in this ordinance.

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

61
62 ADOPTED by the City Council of Havre de Grace, Maryland this ____ day of _____,
63 2024.

64
65 SIGNED by the Mayor and attested by the Director of Administration this __ day of
66 _____, 2024.

67
68 ATTEST: MAYOR AND CITY COUNCIL
69 OF HAVRE DE GRACE

70
71
72 Stephen J. Gamatoria
73 Director of Administration

74
75 William T. Martin
76 Mayor

77 Introduced/First Reading: 12/18/2023
78 Public Hearing:
Second Reading/Adopted:
Effective Date:

1 **Exhibit 1**

2 PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION

3
4
5 **UTILITY EASEMENT AGREEMENT**

6
7 THIS EASEMENT AGREEMENT made this ___day of _____ 2024, by and
8 between Bonnie S. Gease, GRANTOR; and, The Mayor and City Council of Havre de Grace, a
9 Maryland Municipal Corporation, GRANTEE (collectively, “Parties”).

10
11 Whereas, Bonnie S. Gease is the owner of property known as 973 Chesapeake Drive, Havre
12 de Grace, MD 21078 (“Property”); and,

13
14 Whereas, the Parties desire to establish a public utility easement crossing said Property;
15 and,

16
17 Whereas, the Grantor desires to grant said perpetual easement for the sole purposes stated
18 herein.

19
20 WITNESSETH, NOW THEREFORE, in consideration of the premises which are
21 incorporated herein by reference, and other good and valuable consideration, receipt of which is
22 hereby acknowledged, the Grantor does grant unto the Grantee, its successors and assigns, a
23 perpetual, non-exclusive, utility easement, ten (10) feet wide, as shown on Exhibit A and Exhibit
24 B attached hereto and made a part of, to the subject Property; and,

25
26 THE GRANT OF EASEMENT IS SUBJECT TO the following conditions:

27 a. All work performed in connection with the utility easement herein granted shall be
28 done in a good and workmanlike manner and in accordance with all applicable laws,
29 ordinances, codes, rules and regulations of all governmental agencies and authorities; and

30 b. All work, once commenced, shall be prosecuted diligently to its completion in the
31 shortest reasonable time possible under the circumstances; and

32 c. Grantee shall keep the easement area free at all times of waste materials and rubbish
33 or liens from arising from the exercise by Grantee of any work and shall restore the land to
34 its original condition prior to any work; and

35 d. Grantee shall save, defend, indemnify and hold harmless the Grantor, whether for
36 bodily injury or property damage, resulting from the construction, installation and
37 maintenance of said easement; and

38 e. Grantee shall only use the easement for the installation, maintenance, and repair of
39 the utilities for which this agreement sets out; and

40 f. Grantor shall have the right to use the surface of said Easement Area, so long as,
41 except as otherwise provided herein, said use is not inconsistent with the installation, use,
42 operation and maintenance of said easement; and

43 g. The parties shall at all times cooperate with one another and comply with
44 reasonable requests not inconsistent with the purpose for which this easement is executed,
45 including but not limited to executing any statements, affidavits, plans or other instruments
46 necessary to effectuate the purposes hereof, provided the same is without cost to and would
47 not result in a material increase in the obligations of the cooperating party; and

48 h. Nothing herein shall create or be construed to create any rights in and/or for the
49 benefit of the general public in or to the property or the easement area granted hereby.

50
51 This easement shall not supersede or exclude the implied easement rights of passage and service
52 access to any existing utilities within its boundaries.

53
54 The easement granted herein is a covenant running with the land and shall bind and or inure to the
55 parties hereto, their personal representatives, heirs, successors and or assigns, in perpetuity.

56
57 TO HAVE AND TO HOLD the said non-exclusive easement unto the Grantee, its successors and
58 assigns, for the purposes and terms herein stated, unless otherwise amended.

59
60
61 IN WITNESS WHEREOF, the hand and seal of the Grantor this ___ day of _____ 2024.

62
63 WITNESS:

GRANTOR:

64
65 _____

66 _____
67 Bonnie S. Gease

68 STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

69
70 I HEREBY CERTIFY that on this ____ day of _____ 2024, before me, the subscriber, a
71 Notary Public of the State and County aforesaid, personally appeared Bonnie S. Gease and
72 acknowledged that she executed the same for the purposes herein contained, and in my presence
73 signed and sealed the same.

74
75 AS WITNESS my hand and Notarial Seal.

76
77 _____

78 Notary Public

79 My Commission Expires: _____

80
81

82 IN WITNESS WHEREOF, the hand and seal of the Grantee this __ day of _____ 2024.

83

84 WITNESS/ATTEST:

GRANTEE:

Mayor and City Council of Havre de Grace

86

87

88

By William T. Martin, Mayor

89

90 STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

91

92 I HEREBY CERTIFY that on this __day of _____ 2024, before me, the subscriber, a Notary
93 Public of the State and County aforesaid, personally appeared William T. Martin and
94 acknowledged that he executed the same for the purposes herein contained, and in my presence
95 signed and sealed the same.

96

97 AS WITNESS my hand and Notarial Seal.

98

99

100 _____
Notary Public

101 My Commission Expires: _____

102

Exhibit A

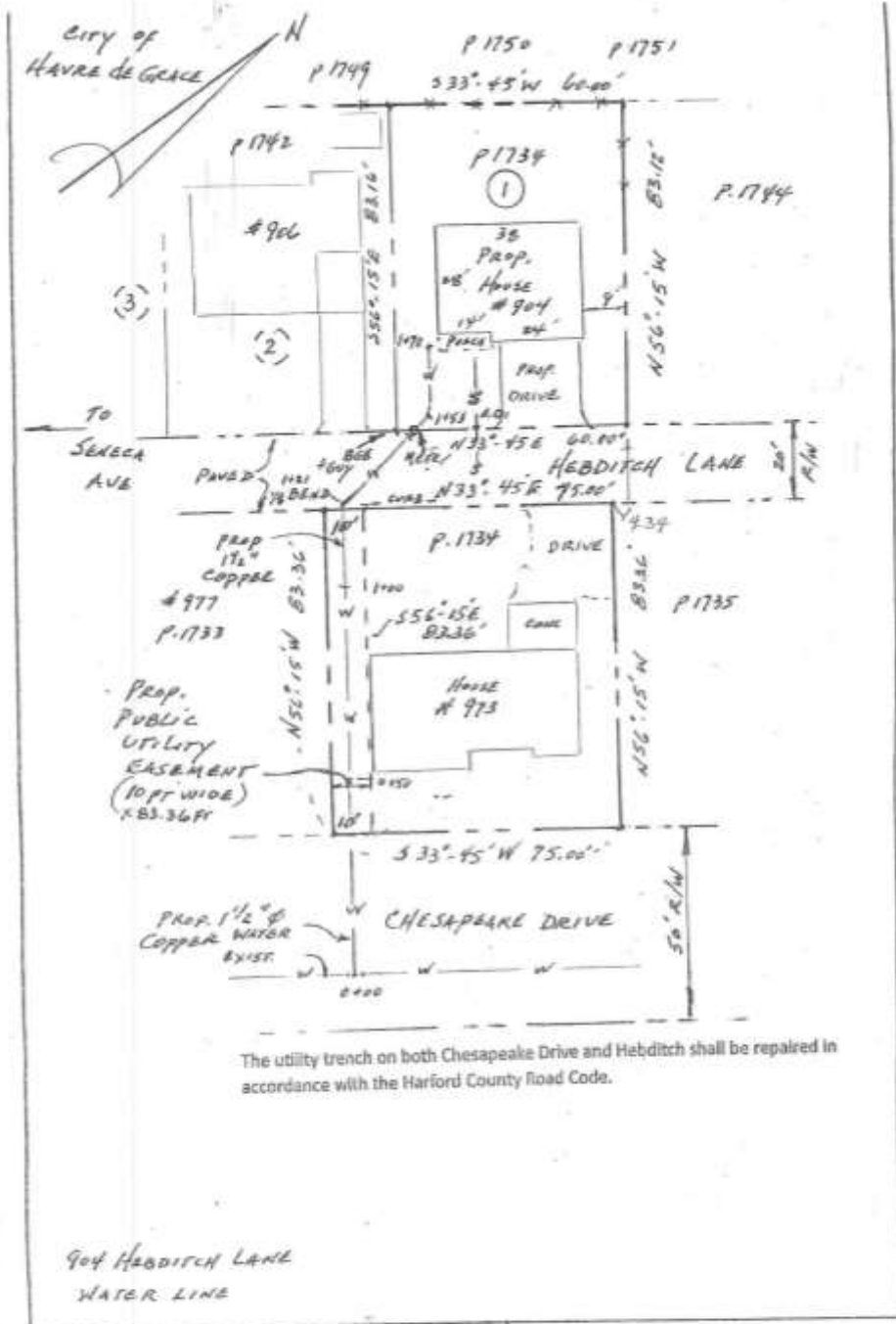
Legal Description

Utility Easement
973 Chesapeake Drive
Havre de Grace, Maryland
6th Election District
Harford County, Maryland

BEGINNING FOR THE SAME at a point on the easterly side of Hebditch Lane in the City of Havre de Grace, said point being the northwesterly corner of the land also known as 973 Chesapeake Drive as described in a deed dated July 18, 2007 from the Estate of Gretha Tollenger to 973 Chesapeake Drive, LLC as recorded in the Land Records of Harford County in deed Liber 7451 Folio 709,
and leaving said point of beginning and running with the easterly side of Hebditch Lane North 33 degrees 45 minutes 00 seconds East 10.00 feet, thence leaving Hebditch Lane and running thru the aforesaid Land of 973 Chesapeake Drive for a new line of easement South 56 degrees 15 minutes 00 seconds East 83.36 feet to a point on the easterly side of Chesapeake Drive,
thence running with Chesapeake Drive South 33 degrees 45 minutes 00 seconds West 10.00 feet to the westerly lot line and thence with the westerly lot line North 56 degrees 15 minutes 00 seconds West 83.36 feet to the point of beginning as shown on a drawing by Welsh Engineering and intended to be recorded with this description.



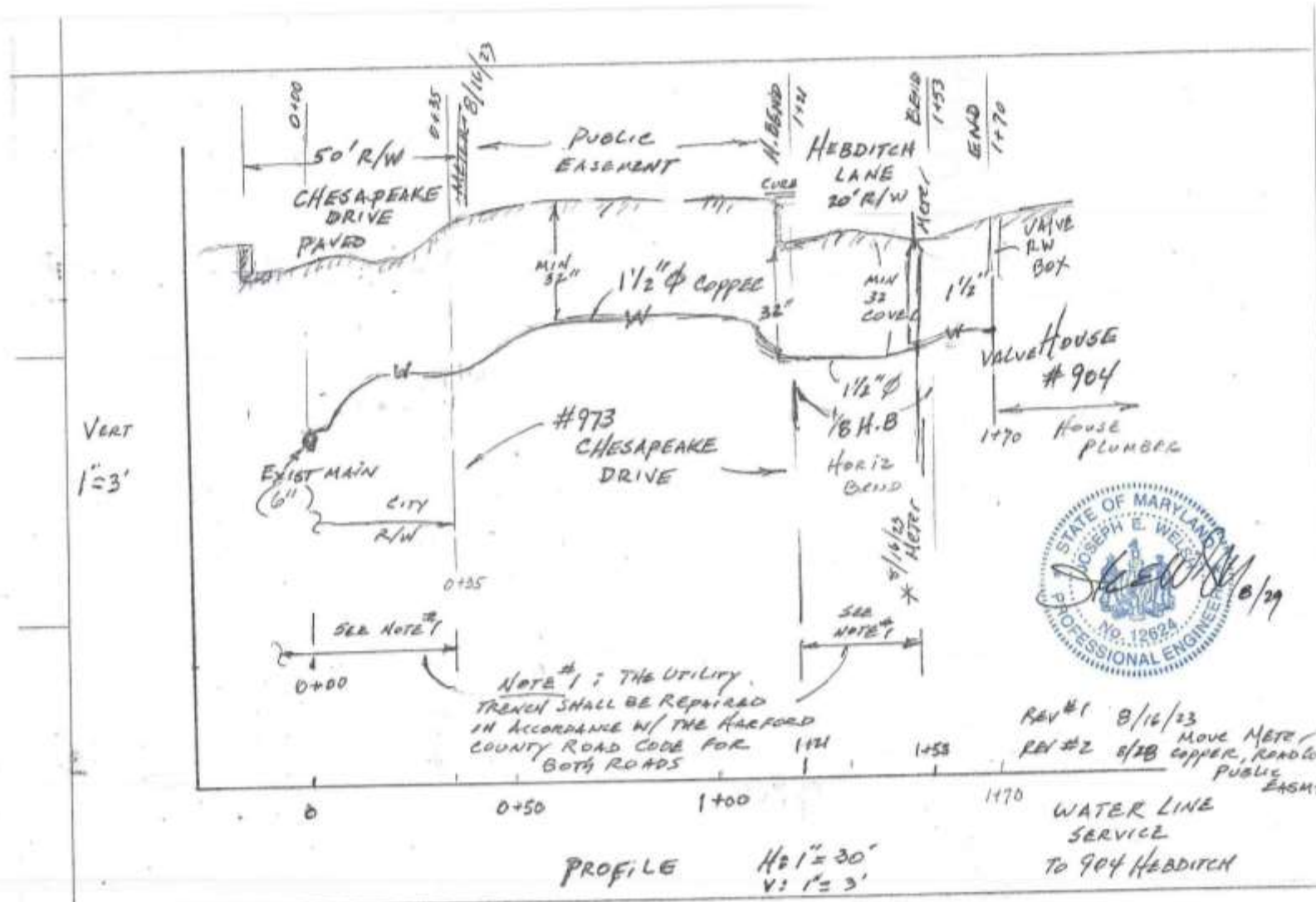
Exhibit B

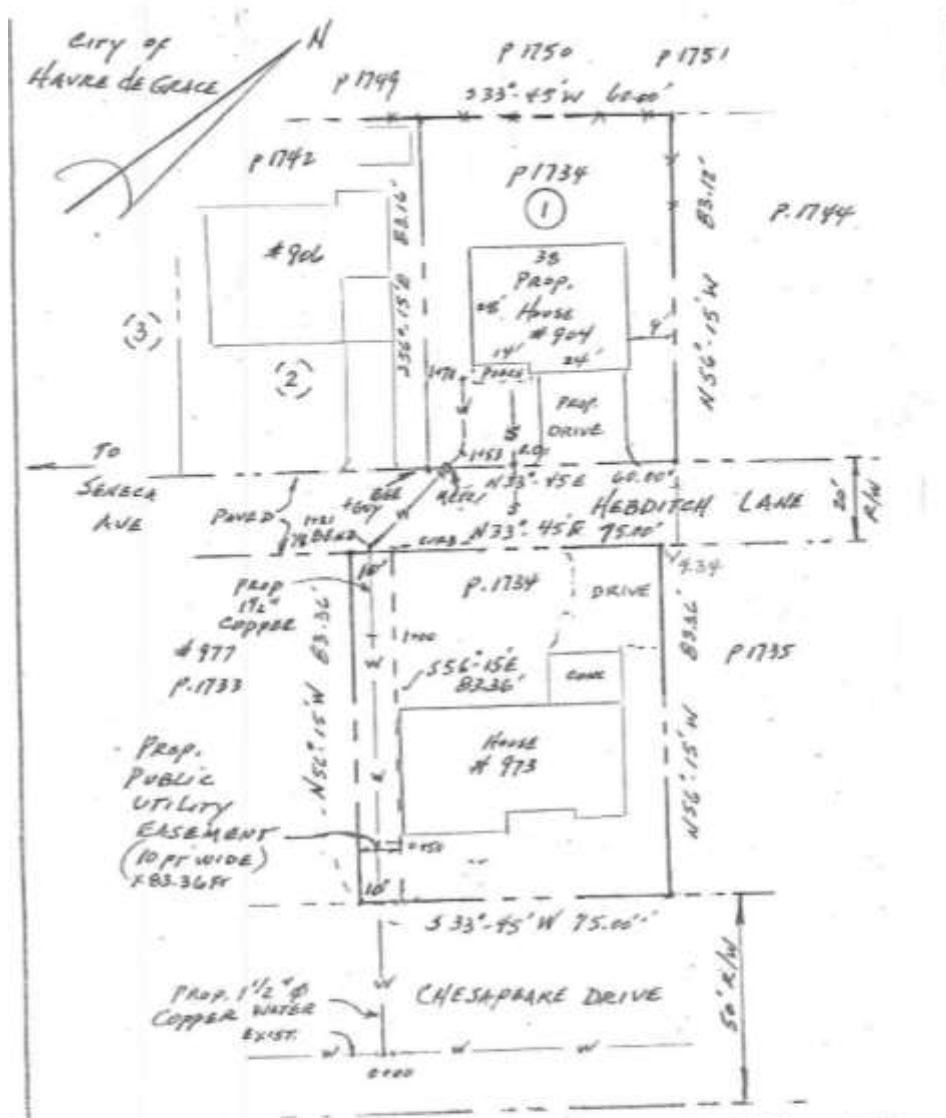


The utility trench on both Chesapeake Drive and Hadditch shall be repaired in accordance with the Harford County Road Code.

904 HADDITCH LANE
WATER LINE

<p>Drawing to Show Utility Easement</p> <p>973 Chesapeake Drive Havre de Grace, Maryland</p> <p>6th Election District Harford County, Maryland</p>		<p>WELSH ENGINEERING</p> <p>2 PARADISE DRIVE HAVRE DE GRACE, MARYLAND 21078</p> <p>8 1/2 COPPER, PUBLIC CASMENT #105 410-939-1304 FAX 410-939-8400 82 ACT 1, 8-12 2022 MDW 8-10-23</p> <p>SCALE: 1" = 30' DATE: 7-22-25</p> <p>DRAWN: Jw JOB: 781 J</p>
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The utility trench on both Chesapeake Drive and Hedditch shall be repaired in accordance with the Harford County Road Code.

904 HEDDITCH LANE
WATER LINE

<p>UTILITY PLAN Drawing to Show Utility Easement</p> <p>973 Chesapeake Drive Havre de Grace, Maryland</p> <p>6th Election District Harford County, Maryland</p>		<p>WELSH ENGINEERING 2 PARADISE DRIVE HAVRE DE GRACE, MARYLAND 21078 P.O. BOX 4422, PUBLIC SQUARE #108 410-839-1304 FAX 410-930-6480 8-11-14 8-14 SHOW ROOM 8-10-23</p> <p>SCALE: 1" = 30' DATE: 7-22-23</p> <p>DRAWN: JW JOB: 781J</p>
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