

**Mayor and Town Council  
Town of Friendsville**

P.O. Box 9  
Friendsville, Maryland 21531

Founded 1765

**ORDINANCE NO. 2012-01**

**Sale of Twenty-Three and One-Half (23.5) Acres of City Water  
Company, Inc, by Auction, by the Mayor and Town Council of  
Friendsville**

**AN ORDINANCE AUTHORIZING THE MAYOR AND TOWN COUNCIL  
OF FRIENDSVILLE**, to sell by auction, and to deliver a deed of, certain real property  
owned by the Mayor and Town Council, in consideration of payment to the Mayor and  
Town Council of an amount equal to or greater than the reserve placed on the sale.

**WHEREAS**, the Mayor and Town Council of Friendsville are constituted as a  
municipal corporation under the laws of the State of Maryland; and

**WHEREAS**, the Mayor and Town Council of Friendsville purchased, as part of  
purchasing all assets of the city Water Company, Inc., a certain piece of real estate on or  
about November 1, 1973, from the City Water Company, Inc., by Deed recorded in Book  
number 344, folio 167, among the Land Records of Garrett County, Maryland, more  
particularly described in the deed dated December 14, 1939, and recorded in Book 122,  
Page 134, among the Land Records of Garrett County, Maryland,; and

**WHEREAS**, since the said purchase, the twenty-three and one-half (23.5) acres,  
more particularly described in the deed dated December 14, 1939, and recorded in Book  
122, Page 134, among the Land Records of Garrett County, Maryland, has been unused;  
and

**WHEREAS**, the Town has determined that said one (1) acre parcel above  
referenced is no longer needed for any public purpose; and

**WHEREAS**, the Mayor and Town Council of Friendsville by its Resolution No. 2012-7, adopted on the 10th day of September, 2012, declared the said twenty-three and one-half (23.5) acre parcel no longer needed for any public purpose and authorized the Mayor and Town Council to sell the property at auction; and

**WHEREAS**, the Mayor and Town Council of Friendsville have determined that would be beneficial to the Town and the residents thereof as the funds derived from said sale could be better utilized for the benefit of the Town, the building being of no further use to the Town; and

**WHEREAS**, the Mayor and Town Council of Friendsville have determined that the said property shall be conveyed to the highest bidder who has bid an amount equal to or more than the reserve; and

**WHEREAS**, the Mayor and Town Council of Friendsville have determined that the mineral interests and rights of said property may be retained by the Mayor and Town Council of Friendsville.

**NOW, THEREFORE, BE IT ORDAINED AND ADOPTED** by the Mayor and Town Council of Friendsville as follows:

1. That the Mayor and Town Council of Friendsville, by its Resolution No. 2012-7, adopted on the 10th day of September, 2012, determined that a certain piece of real property, more fully described in paragraph 2 hereof, should be sold at auction and authorized and appointed the Mayor and Town Council to carry out such sale in accordance with Section 2(24) of Article 23 A of the Annotated Code of Maryland.

2. That the property to be deeded is described as follows:

All that certain piece or parcel of ground situated in Garrett County, in the State of Maryland, being a part of a large tract of land called Ironwood Resurveyed Twice, and beginning for the portion of said lot hereby intended to be conveyed at the South East corner of the land owned by the City Water Company, it being the North East corner of Military Lot No. 2783, and running thence East forty-eight perches, North eighty-six perches to the division line between that portion of the Ironwood tract

which was formerly owned by N. R. Selby and that portion owned by The McCullough Coal Corporation, thence with said division line, South 73, 1/4 degrees West, 52 perches to the line of Military Lot No. 2781, thence with the line of Lot No. 2781 and the fourth line of the lot belonging to the City Water Company reversed, South 71 perches to the place of beginning and containing the quantity of twenty-three and one-half acres, more or less, this being a portion of the same land which is mentioned and described in a deed from Joshua M. Friend and wife to John W. McCullough, dated December 2, 1905, one of the Land Records of Garrett County, Maryland, and having later been conveyed by the said John W. McCullough and wife by deed to The McCullough Coal Corporation.

3. That the twenty-three and one-half (23.5) acre parcel, more particularly described in the deed dated December 14, 1939, and recorded in Book 122, Page 134, among the Land Records of Garrett County, Maryland, acquired by the Mayor and Town Council of Friendsville on February 20, 1998, is no longer needed for any public purpose by the Town.

4. That the Mayor and Town Council shall sell, pursuant to Article 23A, Section 2 (24) of the Annotated Code of Maryland, the twenty-three and one-half (23.5) acre parcel, at public auction, with a reserve to be matched by the highest bidder.

5. That the Mayor and Town Council may reserve the mineral interests and rights in and to the said twenty-three and one-half (23.5) acre parcel upon conveyance of the surface.

6. That the terms of the sale shall be cash upon delivery of the deed to the purchasers. The buyers shall be responsible for the payment of all costs, excepting the preparation of the deed, associated with said sale, including but not limited to, any state or county transfer taxes and the cost of recording said deed.

7. That this Ordinance shall be advertised according to the Town's policy for advertising Ordinances, and that the Mayor and Town Council shall give at least twenty (20) days public notice prior to its action upon this Ordinance, pursuant to Article 23A, Section 2 (24) as aforesaid.

**BE IT FURTHER RESOLVED**, that this Ordinance shall be adopted in

conformance with the procedure for adopting ordinances as provided for by the Mayor and Town Council of Friendsville.

**THIS ORDINANCE** introduced this 5th day of November, 2012.

**SECOND READING AND ADOPTION** this 7th day of January, 2013.

**THIS ORDINANCE SHALL BECOME EFFECTIVE** the 7<sup>th</sup> day of January, 2013.

**ATTEST:**

**APPROVED:**

Karen S. Benedict  
Town Clerk

Spencer R. Schlang (Mayor)

Julia Sines (Council)

Bonnie Artee (Council)

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Catherine M. Hesse (Council)

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**APPROVED** as to form and legal sufficiency this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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MIRIAM SINCELL  
Town Attorney

Posted December 6, 2012