

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

DATE: September 27, 2022

TOPIC: INTRODUCTION OF AN ORDINANCE MAKING A DETERMINATION THAT CERTAIN PROPERTY IS NO LONGER NEEDED FOR A PUBLIC PURPOSE AND APPROVING THE CONVEYANCE OF THAT PARCEL TO HAGERSTOWN INDUSTRIAL PROPERTIES, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY DOING BUSINESS IN MARYLAND AS JDA HAGERSTOWN INDUSTRIAL PROPERTIES, LLC, A MARYLAND LIMITED LIABILITY COMPANY ("JDA")

Charter Amendment	<input type="checkbox"/>
Code Amendment	<input type="checkbox"/>
Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Other	<input type="checkbox"/>

MOTION: I hereby move for the Introduction of an Ordinance to transfer the property described in the attached Special Warranty Deed to Hagerstown Industrial Properties, LLC, a South Carolina Limited Liability Company doing business in Maryland as JDA Hagerstown Industrial Properties, LLC, a Maryland Limited Liability Company.

DATE OF INTRODUCTION: 9/27/2022
DATE OF PASSAGE: 10//25/22
EFFECTIVE DATE: 11/25/2022

CITY OF HAGERSTOWN, MARYLAND

**AN ORDINANCE
MAKING A DETERMINATION
THAT CERTAIN PROPERTY IS NO LONGER
NEEDED FOR A PUBLIC PURPOSE
AND APPROVING THE CONVEYANCE OF THAT PARCEL
TO
HAGERSTOWN INDUSTRIAL PROPERTIES, LLC, A SOUTH CAROLINA LIMITED
LIABILITY COMPANY DOING BUSINESS IN MARYLAND AS JDA HAGERSTOWN
INDUSTRIAL PROPERTIES, LLC, A MARYLAND LIMITED LIABILITY COMPANY ("JDA")**

RECITALS

WHEREAS, the City of Hagerstown is a Municipal Corporation existing under and by virtue of the laws of the State of Maryland ("the City"), and Hagerstown Industrial Properties, LLC, is a South Carolina limited liability company, doing business in Maryland as JDA Hagerstown Industrial Properties, LLC, a Maryland limited liability company ("JDA"). The City and JDA are hereinafter referred to in this Ordinance collectively as "the Parties;"

WHEREAS, JDA is the owner of those certain parcels of real property known as (i) 55 West Oak Ridge Drive, Tax Map 57, Grid 3, Parcel 177 (Tax ID No. 10-018757) consisting of +/- 78.98 acres; and (ii) West Oak Ridge Drive, Tax Map 57, Grid 3, Parcel 635 (Tax ID No. 10-065011) consisting of +/- 47.56 acres, said Property being the same property conveyed by Review and Herald Publishing Association, Inc. to JDA by Special Warranty Deed dated June 24, 2021 and recorded among the Land Records of Washington County, Maryland at Book 6677, Page 431 ("the JDA Properties");

WHEREAS, pursuant to a Deed of Perpetual Easement and Right of Way and Deed of Release for the benefit of the City which is dated September 24, 1984 and recorded among the Land Records of Washington County, Maryland in Liber 773, folio 33 (the "Deed of Easement"), the City is the owner in fee simple of an area designated as the "Pump Station", which is located on real property in Washington County, Maryland, on the south side of east Oak Ridge Drive. The Pump Station is surrounded by the JDA Properties;

WHEREAS, the Pump Station has been abandoned by the City and is no longer in operation and is no longer of any use to the City;

WHEREAS, on or about July 27, 2022, the Parties entered into an Amendment to Perpetual Easement and Right of Way ("the Amendment"), whereby, among other provisions, the City agreed to convey the Pump Station upon JDA's completion of a private force main to serve its property. The form of the deed conveying the Pump Station to JDA was approved by the parties as Exhibit C to the Amendment and is also attached hereto to this Ordinance;

WHEREAS, the JDA has completed the private force main and simply needs to tie in to the public sanitary sewer line;

WHEREAS, in accordance with the provisions of the Maryland Code and the Charter of the City of Hagerstown, the Mayor and Council, as the duly constituted legislative body for the City has determined that the Pump Station is no longer needed for a public purpose;

WHEREAS, JDA has requested that the City convey the Pump Station to JDA, in accordance with the Amendment;

WHEREAS, the City agrees to convey the Pump Station to JDA for no monetary consideration, in accordance with the Amendment, and as set forth in the Deed attached hereto and incorporated herein;

WHEREAS, the introduction of this Ordinance shall constitute the twenty (20)-day notice of the proposed transfer of real property as required by law; and

WHEREAS, the Mayor and Council believe it to be in the best interest of the citizens of the City of Hagerstown to convey the Pump Station to JDA.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Hagerstown, Maryland, as its duly constituted legislative body, as follows:

1. That the foregoing Recitals be and are hereby incorporated herein as if set forth verbatim.
2. That the Mayor and Council find that the Pump Station is no longer needed for a public purpose.
3. That the Mayor and City Staff be and are hereby authorized to execute such additional documentation and take all necessary steps to carry convey the Pump Station to Hagerstown Industrial Properties, LLC, a South Carolina limited liability company, doing business in Maryland as JDA Hagerstown Industrial Properties, LLC, a Maryland limited liability company, and to carry out the purpose of this Ordinance.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this Ordinance shall become effective upon the expiration of 30 days from the date of its passage.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND

Donna K. Spickler
City Clerk

Emily N. Keller, Mayor

Date of Introduction: September 27, 2022
Date of Passage: October 25, 2022
Effective Date: November 25, 2022

PREPARED BY:
SALVATORE & MORTON
CITY ATTORNEY

Portion of Tax Identification No. 10-065011

AFTER RECORDING, RETURN TO:

**JD Law Company, Inc.
Attn: Jason Divelbiss
11125 Bemisderfer Road
Greencastle, PA 17225**

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made effective as of this ____ day of _____, 2022, by and between **THE CITY OF HAGERSTOWN**, a Maryland municipal corporation (“Grantor”) and **HAGERSTOWN INDUSTRIAL PROPERTIES, LLC**, a South Carolina limited liability company doing business in Maryland as JDA Hagerstown Industrial Properties, LLC, a Maryland limited liability company, its successors or assigns (“Grantee”).

WITNESSETH, that for and in consideration of the sum of zero dollars (\$0.00) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto the Grantee, and its successors and assigns, in fee simple absolute, all of that certain lot or parcel of land, with improvements thereon, situate, lying and being in Washington County, State of Maryland and more particularly described as follows:

BEGINNING at the most Northwestern corner of the herein described area, said point also being located North 68°02’31” West 69.74’ from the end of the heretofore described, centerline of the access easement. Thence South 68°02’31” East 97.50’ to a point, thence South 21°57’29” West 77.50’ to a point, thence North 68°02’31” West 97.50 to a point, thence North 21°57’29” East 77.50’ to the place of beginning. Said lines being parallel to the existing pump station walls and at 40 feet, 20 feet, 20 feet and 60 feet perpendicularly distant therefrom respectively.

BEING, the “Pump Station” parcel granted, conveyed, remised, released and discharged unto the Grantor by Deed of Perpetual Easement and Right of Way and Deed of Release dated September 24, 1984 and recorded among the Land Records of Washington County, Maryland in Liber 773, folio 33.

SUBJECT to covenants, easements and restrictions of record, if any.

TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every title, right, privilege, appurtenance and advantage thereunto belonging, or in anywise appertaining, unto and for the proper use, benefit and on behalf of Grantee.

AND THE GRANTOR does hereby covenant to warrant specially the property hereby conveyed and to execute such further assurances of said land as may be requisite or necessary.

IN WITNESS WHEREOF, Grantor has executed this Deed as of the date first above written.

THE CITY OF HAGERSTOWN

a Maryland municipal corporation

By: _____

By: _____

Name: _____

Title: _____

STATE OF)
) ss:
COUNTY OF)

I HEREBY CERTIFY, that on this ____ day of _____, 2022, before me, the undersigned officer, personally appeared _____, the _____ of The City of Hagerstown, a Maryland municipal corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he has executed the same on behalf of the Company for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

CERTIFICATION

I hereby certify that this instrument was prepared by or under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

Jason M. Divelbiss