

ORDINANCE NO. 3605

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED “AN ORDINANCE TO PROVIDE FOR THE CLOSING OF THE ALLEY LOCATED AT THE REAR OF FOOTER DYE WORKS BUILDING (CANAL STREET EXTENDED) IN THE CITY OF CUMBERLAND, MARYLAND.”

WHEREAS, the Mayor and City Council of Cumberland received a petition from the Canal Place Preservation and Development Authority requesting the closing of the alley described in the titling of this Ordinance; and

WHEREAS, the City Clerk served a personal notice in writing upon each property owner to be affected by the passage of the proposed Ordinance more than ten (10) days before January 8, 2008; and

WHEREAS, in the opinion of the Mayor and City Council of Cumberland, the public welfare and convenience require that the alley as described in the titling of this Ordinance be closed.

NOW, THEREFORE,

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following be and is hereby closed:

ALL that piece or parcel of land described in the Exhibit A attached hereto and made a part hereof as Exhibit A.

Together with and subject to any restrictions, reservations, covenants, right of ways, et cetera as of record, and as shown on the plat attached hereto as Exhibit B.

SUBJECT, HOWEVER, to an easement in favor of the Mayor and City Council of

Cumberland for the full length and width of the subject property for drainage and for installation, repair, replacement and/or maintenance of any needed utility lines.

SECTION 2: AND BE IT FURTHER ORDAINED, that the said Mayor and City Council of Cumberland shall ascertain whether any, and what amount, and the value of the damage to be caused by the aforesaid closing, for which the owners or possessors of any property located along said alley, or portions thereof, should be compensated, and shall assess and levy generally on the property of the persons benefitted the whole or any part of the expense which shall be incurred in closing the same.

SECTION 3: AND BE IT FURTHER ORDAINED, that the said Mayor and City Council of Cumberland shall, within fifteen (15) days of the passing of this Ordinance, submit a report to the City Clerk setting forth any and what amount of damages shall have been caused by the closing as aforesaid, and the names of the owners or possessors of such property along which said streets now pass, and the amount of damages for which they shall be compensated or benefits for which they shall be assessed, and whether said damages arising from the closing shall be assessed generally on the whole assessable property within the City of Cumberland or specially on the property of the person benefitted by the closing; and, in the event of any of said damages being assessed and levied in whole or in part on any property of the persons benefitted, the names of the owners of the property specially benefitted, with a description of said property by reference to the Land Records of Allegany County, and the amount so levied and assessed.

SECTION 4: AND BE IT FURTHER ORDAINED, that any person feeling aggrieved or injured by the decision of said Mayor and City Council of Cumberland shall have the right of an appeal to the Circuit Court at a trial by jury, as provided in Section 128 of the Charter of the City of Cumberland (1991 Edition), upon filing a written notice of appeal with the City Clerk

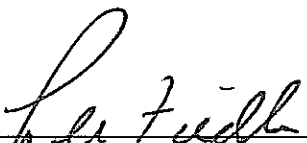
within thirty (30) days after the Mayor and City Council of Cumberland shall have made their return.

SECTION 5: AND BE IT FURTHER ORDAINED, that the benefits assessed by said Mayor and City Council of Cumberland shall be liens upon the property of the persons benefitted to the extent of such assessment, and shall be payable within sixty (60) days after the submission of said Report by the Mayor and City Council, and the collection of the same shall be enforced by *scire facias* in the same manner as paving liens are collected by the Mayor and City Council; and said Report shall, upon its ratification, be filed for records and reported in the Mechanics' Lien Record in the Clerk's Office in the Circuit Court for Allegany County, and the assessment therein shall be liens upon the properties respectively assessed from the time of such record, providing the same to be recorded with sixty (60) days after the submission of said report by the Mayor and City Council.

SECTION 6: AND BE IT FURTHER ORDAINED, that upon the collection of all benefits assessed and the payment of the damages ascertained, or the waiver of this provision by the parties interested, the said alley particularly described in Section 1 hereof be closed.


SECTION 7: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed, the 22nd day of January, 2008.



Lee N. Fiedler, Mayor

ATTEST:



Sharon S. Clark, City Clerk

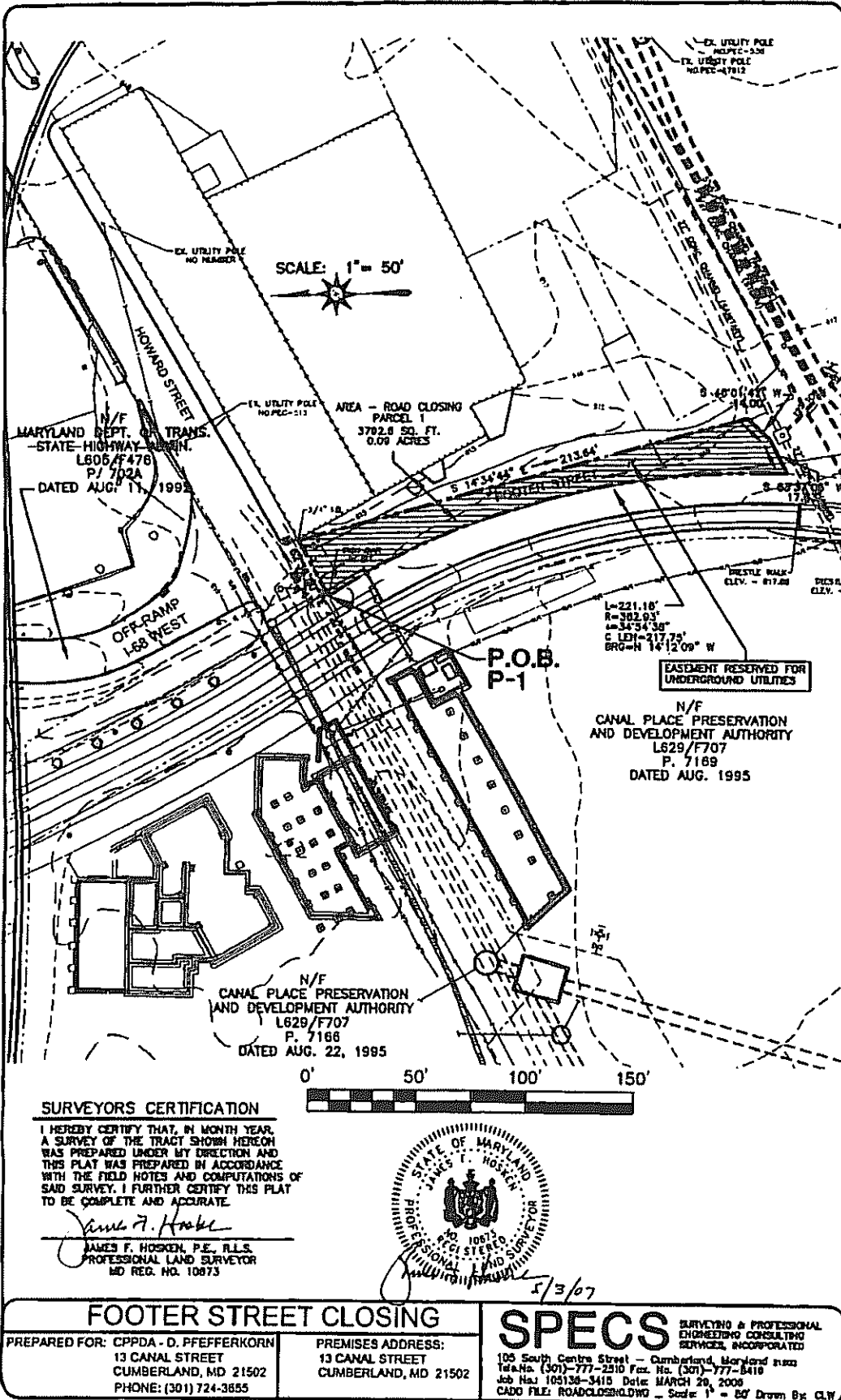
1st Reading	<u>01/08/2008</u>
2nd Reading	<u>01/22/2008</u>
3rd Reading/Adoption	<u>01/22/2008</u>

**DESCRIPTION OF PARCEL 1 FOOTER STREET CLOSING
TO BE CONVEYED TO
CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY**

All that lot, piece or parcel of ground being in the City of Cumberland, Election District No. 04, Allegany County, Maryland and being more particularly described as follows

Beginning for the same at a point on the southeasterly limits of Howard Street, thence binding on the southeasterly limits of the aforementioned street

1. North 62 degrees 36 minutes 50 seconds East 28.74 feet to a point ; thence leaving aforementioned limits
2. South 14 degrees 34 minutes 44 seconds East 213.64 feet to a point; thence
3. South 46 degrees 01 minutes 47 seconds West 14.00 feet to a point; thence
4. South 63 degrees 37 minutes 05 seconds West 17.63 feet to a point; thence with a curve turning to the left with an arc length of 221.16 feet, with a radius of 362.93 feet, with a chord bearing of
5. North 14 degrees 12 minutes 09 seconds West, 217.75 feet; to the southeasterly limits of aforementioned street to the point of beginning, having an area of 0.087 acres (3792.60 square feet) more or less, as surveyed by. Specs, Inc., April 2006



SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT, IN MONTH YEAR, A SURVEY OF THE TRACT SHOWN HEREON WAS PREPARED UNDER MY DIRECTION AND THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE FIELD NOTES AND COMPUTATIONS OF SAID SURVEY. I FURTHER CERTIFY THIS PLAN TO BE COMPLETE AND ACCURATE.

James F. Hosken
 JAMES F. HOSKEN, P.E., P.L.S.
 PROFESSIONAL LAND SURVEYOR
 MD REG. NO. 10873



5/3/07

FOOTER STREET CLOSING

PREPARED FOR: CPPDA - D. PFEFFERKORN
 13 CANAL STREET
 CUMBERLAND, MD 21502
 PHONE: (301) 724-3655

PREMISES ADDRESS:
 13 CANAL STREET
 CUMBERLAND, MD 21502

SPECS SURVEYING & PROFESSIONAL ENGINEERING CONSULTING SERVICES, INCORPORATED
 105 South Centre Street - Cumberland, Maryland 21502
 Tel: No. (301)-777-2510 Fax: No. (301)-777-5419
 Job No: 105138-3415 Date: MARCH 20, 2006
 CADD FILE: ROADCLOSE.RLDWG - Scale: 1" = 50' Drawn By: CLW

J:\13 CANAL PLACE DEVELOPMENT\SUBDIVISION-EASEMENTS-EASMENTS.dwg, ROAD-CLOSING, 5/1/2007 7:42:32 PM, 1 of 1, 1:1, SPECS, INC., CLW