

ORDINANCE NO. 3622

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED FOR THE PURPOSE OF SURRENDERING THE POSSIBILITY OF REVERTER/RIGHT OF ENTRY CONTAINED IN THE DEED DATED NOVEMBER 16, 2004 AND RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY, MARYLAND IN BOOK 1126, PAGE 548 WHEREBY THE MAYOR AND CITY COUNCIL CONVEYED THE REAL PROPERTY AND THE IMPROVEMENTS THEREON KNOWN AS THE OLD SACRED HEART HOSPITAL LOCATED ON DECATUR STREET IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND (THE "PROPERTY") TO DECATUR STREET ASSOCIATES, LLC."

WHEREAS, pursuant to Ordinance No. 3510 passed November 16, 2004, the Mayor and City Council of Cumberland conveyed the Property to Decatur Street Associate, LLC by means of the deed identified in the title of this Ordinance;

WHEREAS, in order to ensure that Decatur Street Associates, LLC would use the Property for the development of a townhouse project, the Mayor and City Council of Cumberland included a possibility of reverter or right of entry in the aforementioned deed that would cause the title to the Property to revert to the Mayor and City Council of Cumberland if, within twelve (12) months of the date of the deed, Decatur Street Associates, LLC failed to apply for all necessary permits to begin construction on the town house project that was submitted to and on record with the Mayor and City Council of Cumberland;

WHEREAS, Decatur Street Associates, LLC applied for the necessary permits within a time frame satisfactory to the Mayor and City Council of Cumberland, prior to the

deadline established for the possibility of reverter/right of entry to become effective;

WHEREAS, the Mayor and City Council of Cumberland has agreed to execute a Deed Surrendering Possibility of Reverter/Right of Entry to confirm that Decatur Street Associates, LLC has complied with the conditions necessary to prevent the possibility of reverter/right of entry from causing title to the property to revert to the Mayor and City Council of Cumberland; and

WHEREAS, the Mayor and City Council of Cumberland deems it to be in the interest of the City to grant the said conveyance.

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the Mayor and City Clerk, be and they are hereby authorized to execute a Deed Surrendering Possibility of Reverter/Right of Entry to Decatur Street Associates, LLC as more particularly described in the Exhibit A attached hereto; and

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 12th day of August, 2008.

Lee N. Fiedler, Mayor

ATTEST:

Marjorie A. Eirich, City Clerk