

**ORDINANCE NO. 3805**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO PROVIDE FOR THE CLOSURE OF A PORTION OF AN ALLEY KNOWN AS WILLISON PLACE (AKA WILLISON ALLEY, FKA WINE ALLEY AND WEYAND'S ALLEY) LOCATED ADJACENT TO THE NORTHWEST SIDE OF MARYLAND AVENUE, SAID PORTION OF SAID ALLEY BEING CLOSED RUNNING IN A NORTHERLY DIRECTION FROM THE NORTHWEST SIDE OF MARYLAND AVENUE 203 FEET ON THE EAST SIDE OF THE ALLEY AND 211.51 FEET ON THE WEST SIDE OF THE ALLEY, THE PORTION OF THE ALLEY BEING CLOSED LYING ON BOTH SIDES BETWEEN THE LANDS OWNED BY SEAN B. D'ATRI (AS DESCRIBED IN THE DEED RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY, MARYLAND IN BOOK 1568, PAGE 120), THE PORTION OF SAID ALLEY BEING CLOSED BEING LOCATED IN THE CITY OF CUMBERLAND, MARYLAND."

**WHEREAS**, the Mayor and City Council of Cumberland received a petition from Sean B. D'Atri requesting the closure of the portion of Willison Place generally described in the titling of this Ordinance;

**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 July 5, 2016;

**WHEREAS**, in the opinion of the Mayor and City Council of Cumberland, the public welfare and convenience require that the aforesaid portion of the aforesaid alley be closed; and

**WHEREAS**, in that Sean B. D'Atri owns the parcels of property adjacent to each side of the portion of Willison Place being closed by this Ordinance, the entire portion of Willison Place being closed shall be conveyed to him.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND AS FOLLOWS:**

**SECTION 1:** The portion of the Willison Place described in the metes and bounds description attached hereto as Exhibit A and as shown on the plat attached hereto as Exhibit B is closed. The said closure is not subject to any reservations or easements in favor of the City.

**SECTION 2:** The said Mayor and City Council of Cumberland shall ascertain whether any and what amount in value of damage shall be caused by the aforesaid closure for which the owners or possessors of any property located along Willison Place, or portions thereof, should be compensated, and shall assess and levy generally on the

property of the persons benefitted by the closure of the alley the whole or any part of the expense which shall be incurred in closing the same.

**SECTION 3:** The City Administrator or his designee shall, within fifteen (15) days of the passage of this Ordinance, submit a report to the City Clerk setting forth his findings regarding what amount of damages shall have been caused by the aforesaid closure of the portion of Willison Place described herein, 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 closure 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 closure; 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. The Mayor and City Council shall consider the matter of the City Administrator's/designee' report and shall make determinations regarding the subject matter of the said report at a meeting held no sooner than fifteen (15) days after the date of the passage of this Ordinance.

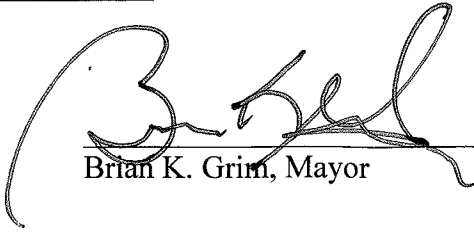
**SECTION 4:** Any person feeling aggrieved or injured by the decision of said Mayor and City Council of Cumberland regarding the subject matter of the aforereferenced report shall have the right of an appeal to the Circuit Court at a trial by jury, as provided in Section 128 of the Charter of the City 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:** 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 date of the meeting at which the Mayor and City Council of Cumberland makes its determinations regarding the subject matter set forth in the City Administrator's report, 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 a written record of the said Mayor and City Council's determinations shall be filed for record 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 recording, such recording to be effected no sooner than the expiration of the aforesaid sixty (60) day period.

**SECTION 6:** Upon the collection of all benefits assessed and the payment of the damages ascertained, or the waiver of this provision by the parties interested, if applicable the said portion of Willison Place particularly described in Section 1 hereof shall be closed and the Mayor shall be empowered to execute a deed effecting the conveyance of the property described in Exhibit A to Sean B. D'Atri.

**SECTION 7:** This Ordinance shall take effect from the date of its passage.

Passed, the 5th day of July, 2016.

  
\_\_\_\_\_  
Brian K. Grim, Mayor

ATTEST:  
  
\_\_\_\_\_  
Marjorie A. Woodring, City Clerk

**1st reading: June 21, 2016**  
**2nd reading: July 5, 2016**  
**3rd reading: July 5, 2016**  
**Passed 4-0**

# EXHIBIT A

**LEGAL DESCRIPTION FOR A PORTION OF WILLISON PLACE, 20 FEET WIDE, CONTAINING 0.1 ACRES TO BE CLOSED BY THE CITY OF CUMBERLAND. WILLISON PLACE LOCATED IN THE CITY OF CUMBERLAND, ELECTION DISTRICT NO. 4, ALLEGANY COUNTY, MARYLAND.**

**ALL** that piece or parcel of land (Willison Place, 20 feet wide), located in the City of Cumberland, Election District No. 4, Allegany County, Maryland and more particularly described as follows: (Deed north meridian and horizontal measurements being used throughout) to wit:

**BEGINNING** for the same at a point located on the northwesterly side of Maryland Avenue; said point also marks the end of the first line of Parcel No. 2 which is referenced in a deed dated February 24, 2009, Robert B. D'Atri and Chadwick R. Furstenberg to Sean B. D'Atri recorded in Deed Book 1568, page 120, one of the Land Records of Allegany County, Maryland; thence leaving the northwesterly side of Maryland Avenue for the first course and distance

1. North 30 degrees 00 minutes 00 seconds West 211.51 feet to a point; thence crossing Willison Place;
2. North 60 degrees 00 minutes 00 seconds East 20.04 feet to a point at the end of the first line of Parcel No. 3 which is referenced in the above mentioned deed; thence
3. South 30 degrees 00 minutes 00 seconds East 203.00 feet to a point on the northwesterly side of Maryland Avenue; said point also marks the beginning of Parcel No. 4 which is referenced in the above mentioned deed; thence following along Maryland Avenue for the next course and distance
4. South 40 degrees 00 minutes 00 seconds West 21.28 feet to the place of **BEGINNING**, containing 0.1 acres, more or less, all of which is shown on the accompanying plat and made a part thereof.

**ALL** of the above described portion of Willison Place containing 0.1 acres being closed by the City of Cumberland,

**SUBJECT** to all easements, covenants, restrictions, reservations, etc. as of record and as shown on the accompanying plat.

# EXHIBIT B

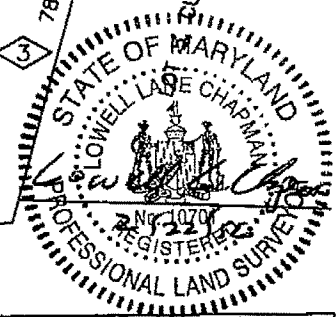
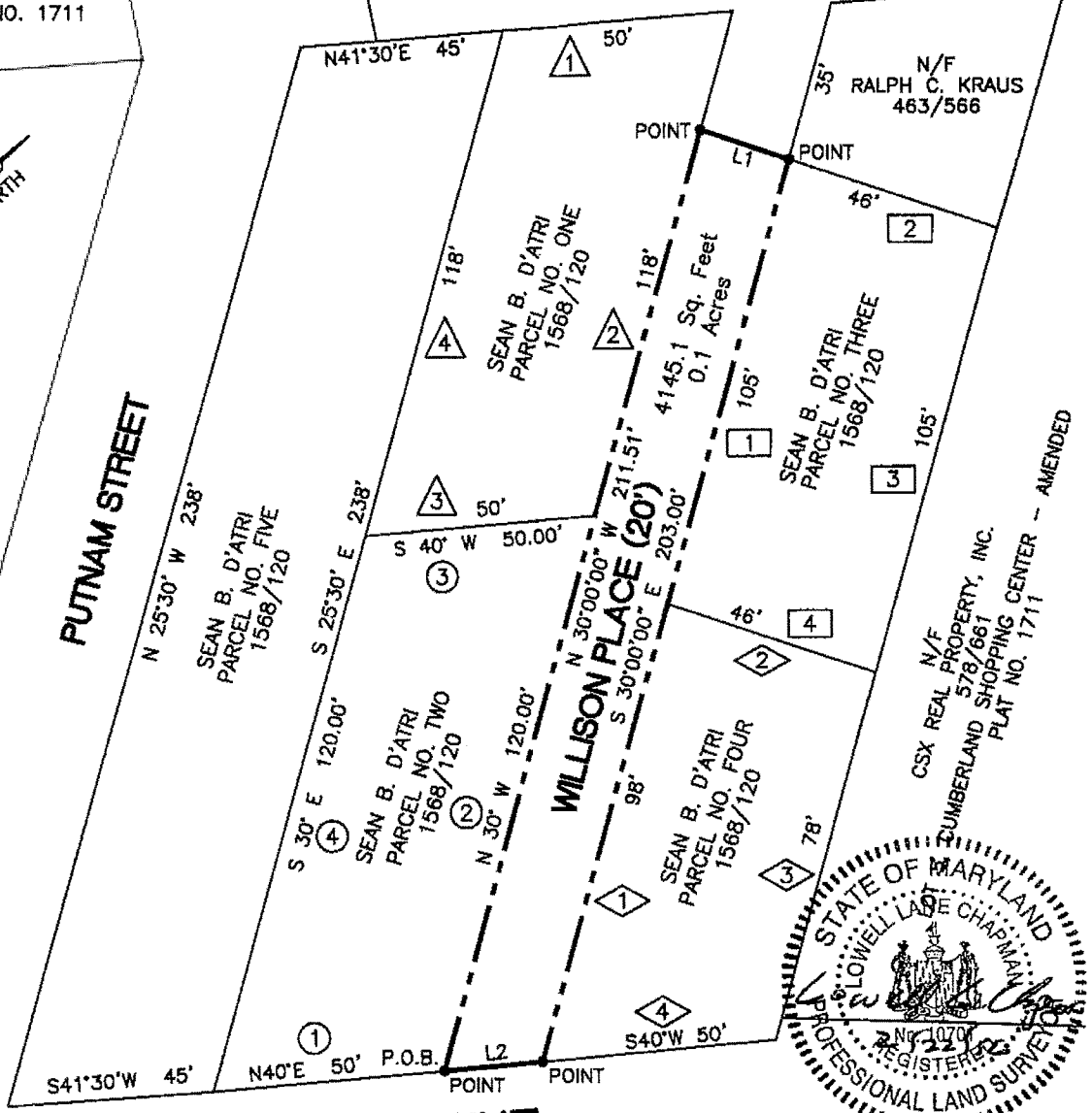
N/F  
CSX REAL PROPERTY, INC.  
578/661  
LOT 6, PLAT NO. 1711

N/F  
CSX REAL PROPERTY, INC.  
578/661  
LOT 4, PLAT NO. 1711



**PUTNAM STREET**

**MARYLAND AVENUE**



LINE	BEARING	DISTANCE
L1	N 60°00'00" E	20.04'
L2	S 40°00'00" W	21.28'

**PROFESSIONAL CERTIFICATION**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 10701 EXPIRATION DATE: 12-20-17



**LOWELL CHAPMAN  
SURVEYING &  
ENGINEERING, INC.**  
  
11802 Old Legislative Rd  
Frostburg, MD 21532  
301-689-2072

DATE	REVISIONS
12/30/15	
SCALE 1" = 40'	
DWG. BY SAW	
CHKD. BY LLC	
JOB NO. 14-015	
CADD: 14-015-D'ATRI	

**DEED COMPOSITE**  
*Prepared for*  
**SEAN B. D'ATRI**  
*Property situate in*  
**Election District No. 4**  
**Willison Plaza**  
**Cumberland**  
**Allegany County**  
**State of Maryland**