

First Reading 2/3/2014

Second Reading 3/24/2014

ORDINANCE 2014-3

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY COUNCIL OF OCEAN CITY TO ACQUIRE, FOR NO MONETARY CONSIDERTION, CERTAIN SEWAGE TRANSMISSION FACILITIES FROM SUNSET ISLAND COMMUNITY ASSOCIATION, INC. BY DEED AND EASEMENT, AND TO LEASE BACK TO SUNSET ISLAND COMMUNITY ASSOCIATION A PART OF THE DEEDED PROPERTY FOR NINETY-NINE YEARS, SUBJECT TO CERTAIN REASONS FOR TERMINATION.

WHEREAS, Sunset Island, an approved development and sub-division, which is controlled and managed by Sunset Island Community Association, Inc. (together "SUNSET"), which also owns certain land and improvements within the subdivision, were required as part of the approval process to build certain sewer facilities ("FACILITIES") to accommodate wastewater from the subdivision for transmission to the Mayor and City Council of Ocean City's ("TOWN") wastewater treatment facilities; and

WHEREAS, after the construction of the FACILITIES and a period of operation to satisfy the TOWN that the FACILITIES meet the standards of the TOWN, SUNSET agreed to convey and the TOWN agreed to accept the FACILITIES; and

WHEREAS, the FACILITIES have been constructed and are operational to the satisfaction of the TOWN.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE M AYOR AND CITY COUNCIL OF OCEAN CITY THAT THE TOWN BE, AND IT IS HEREBY, AUTHORIZED TO ACCEPT SUNSET'S FACILITIES AS FOLLOWS:

1. SUNSET has or will purchase, at its sole cost and expense two (2) new pumps, meeting the specifications of the TOWN, to be installed by the TOWN, at its sole cost and expense, for the Pumping Station part of the FACILITIES;

2. SUNSET shall convey by special warranty deed, bill of sale, and assignment, Sunset Island Land Unit LU-CA 38, as shown on the plats of Sunset Island, and its improvements to the TOWN

3. TOWN shall lease back to SUNSET, for no annual rental, a portion of the building constructed on Land Unit LU-CA38, presently utilized by SUNSET as a maintenance office, garage, storage area for such continued use for these purposes, for a term of ninety-nine (99) years, subject to the TOWN'S right to expand the pumping station usage into the leased area as may be required by it's consultants, and/or regulatory agencies, at which time SUNSET will, after at least

LAW OFFICES

AYRES, JENKINS,
GORDY & ALMAND, P.A.

SUITE 200
6200 COASTAL HIGHWAY
OCEAN CITY, MD 21842

thirty (30) days notice, abandon the premises, and the lease shall be terminated and become null and void without further action.

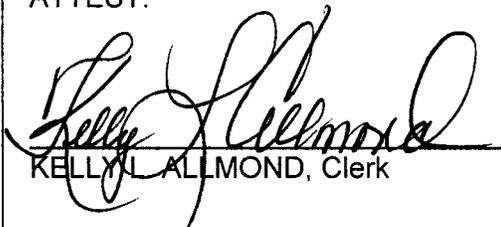
4. SUNSET shall convey by deed of easement a "wet well" beyond the boundary of Land Unit LU-CR38, and the force main transmission pipes from the FACILITIES to 67th Street, with the requirement that all future maintenance, repair and replacement be at the expense of TOWN.

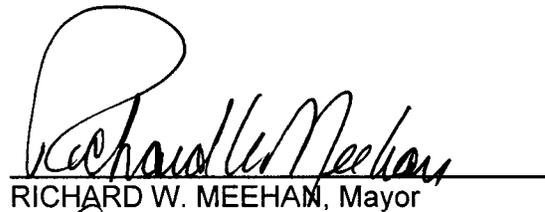
5. SUNSET and TOWN shall execute, acknowledge and deliver such other documents as reasonably required and approved by the City Solicitor.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on February 3, 2014.

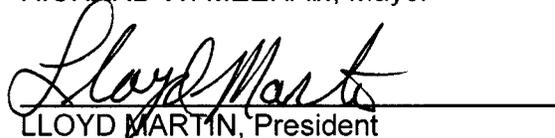
ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on March 24, 2014.

ATTEST:


KELLY L. ALLMOND, Clerk


RICHARD W. MEEHAN, Mayor

Approved as to Form:


LLOYD MARTIN, President


GUY R. AYRES III, Solicitor


MARY P. KNIGHT, Secretary