

# MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE

## RESOLUTION NO. 2019 - 05

### A RESOLUTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE TO ACCEPT AN OFFER OF DEDICATION OF A PORTION OF CECIL AVENUE AS A PUBLIC ROAD.

EXPLANATORY STATEMENT: The Perryville Real Estate and Improvement Co. recorded among the Land Records of Cecil County in Book J.G.W. #2, folio 162, a plat that depicted 171 building lots and various streets. One of the streets depicted on the plat was Cecil Avenue, 60' wide. In the absence of an express dedication or reservation on the plat, the depiction of the streets on the plat offered the streets to dedication as public roads. A copy of the plat is attached to this Resolution as Exhibit 1.

The portion of Cecil Avenue that extends from Maywood Avenue to the southern boundary of the properties depicted on the plat has long been improved and considered by the Town to be a public road, and Town services provided to the properties abutting this portion of Cecil Avenue. Furthermore, the Town includes this portion of Cecil Avenue in the Town's road inventory for highway user revenue purposes. Although there do not appear to be any instruments of record conveying to the Town a right-of-way or fee simple title to any portion of Cecil Avenue, the Town's consistent conduct over many years in treating and providing public services to this portion of Cecil Avenue as a Town road reflect that the Mayor and Commissioners accepted the offer of dedication to the part of Cecil Avenue from Maywood Avenue to the southern boundary of the properties depicted on the plat.

The Town does not appear to have heretofore accepted the offer of dedication of the portion of Cecil Avenue that extends from Maywood Avenue to the northern boundary of the properties depicted on the plat, although there is some evidence from which the conclusion could be drawn that the Town may have accepted the offer with respect to a 250 foot improved portion of that street. For a distance of approximately 250 feet northward from Maywood Street, Cecil Avenue is paved, but not to Town standards, and there is no available evidence to demonstrate that the Town paved this portion of roadway, or when the road was paved. Through the years the Town has not maintained this portion of Cecil Avenue other than to remove snow from the road for several years. The Town stopped plowing snow on this portion of Cecil Avenue between 10 and 20 years ago. Several utility lines run under this portion of road to serve the seven homes that abut the road, but there is no available evidence to demonstrate that the Town installed and maintains these utility lines. The Town collects trash from, and the U.S. Postal Service delivers mail to, the seven homes that abut the road. Finally, the Town does not include, and has not included, this portion of roadway in the Town's road inventory for highway user revenue purposes.

The Mayor and Commissioners believe that it is in the public interest to formally accept the offer of dedication of that portion of Cecil Avenue depicted on Exhibit A, extending from Maywood Street a distance of approximately 250 feet northward ("Dedication Area"). The general location of the dedication area is pictorially depicted and labelled as "Dedication Area" on the photograph attached to this Resolution as Exhibit B and incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Commissioners of the Town of

Perryville accept the offer of dedication of the Dedication Area of Cecil Avenue and, hereafter, the Dedication Area of Cecil Avenue shall be treated as a public road for all purposes.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its passage.

READ AND PASSED THIS 3rd day of July, 2019.

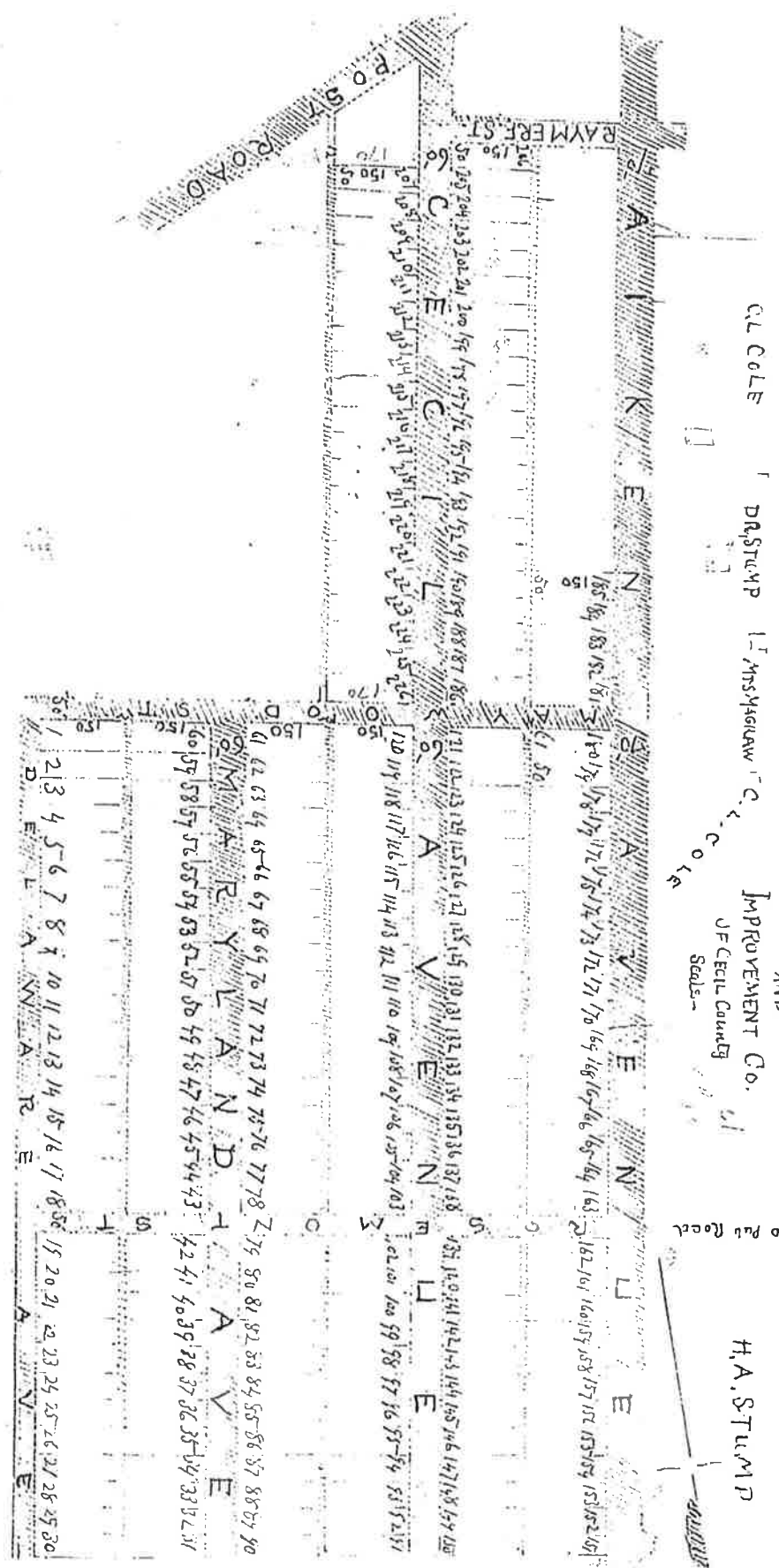
ATTEST:

MAYOR AND COMMISSIONERS OF  
THE TOWN OF PERRYVILLE

  
\_\_\_\_\_  
Jackie Sample, Town Clerk

  
\_\_\_\_\_  
Robert L. Ashby, Jr., Mayor

Exhibit A



THE PERRYVILLE REAL ESTATE  
 AND  
 IMPROVEMENT CO.  
 OF CECIL COUNTY  
 Scale -

C. L. COLE  
 H. A. STUMP  
 MRS. MAGUIRE  
 C. C. COLA

Proposed Plat Record  
 H. A. STUMP

Book No. J.G. W. # 2 — folio 162

The Perryville Real Estate and Improvement Co.

Automotive, Aviation & Government Division,  
 1112 - 11th Street, WASHINGTON 5, D. C.  
 PHONE - REPUBLIC 3416

**E. F. Goodrich**  
 FIRST IN RUBBER

## Dedication Area - Exhibit B

250' + / - Cecil Avenue North of Maywood Avenue - marked by pinned heavy black line.

### Legend

-  Cecil Ave
-  Line Measure
-  Perryville Elementary School

