

Bond Case Briefs

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REAL PROPERTY CONVEYANCE - MARYLAND

Board of County Commissioners of St. Mary's County v. Aiken

Supreme Court of Maryland - June 20, 2023 - A.3d - 2023 WL 4072671

Landowners brought action against board of county commissioners for declaratory judgment, alleging that they owned disputed property lying to the east of their parcels.

County counterclaimed for declaratory judgment that it owned disputed property in fee simple, alleging that grantor, who was landowners' predecessor in interest, conveyed land to State Roads Commission and that Commission conveyed land to county.

Southern neighbors intervened, asserting claims for declaratory judgment, injunctive relief, and interference with easement against landowners and county, as well as claim to quiet title against landowners and inverse-condemnation claim against county. Parties all moved for summary judgment.

The Circuit Court granted county's motion, granted landowners' motion as to neighbors' claims for injunctive relief interference with easement, and otherwise denied motions. Landowners appealed, and neighbors cross appealed. The Court of Special Appeals affirmed in part, vacated in part, and remanded. County filed petition for writ of certiorari, which was granted.

The Supreme Court held that:

- Deed from landowners' predecessor to the State conveyed the entire interest in the disputed property in fee simple absolute;
- Deed and referenced plat were sufficient to establish predecessor's offer to dedicate road to public use; State accepted offer to dedicate property to public use by accepting the conveyance and recording the deed;
- Deed from the State to the county conveyed property as a public road; and
- County's adoption of ordinance closing road both effectively confirmed an acceptance of the State's offer to dedicate and effectively served as public notice of road closure, and was effective to close the road.