



# Town of Upper Marlboro

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Upper Marlboro, MD 20772

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## MEMORANDUM

To: Board of Town Commissioners  
From: Kyle Snyder, Town Administrator  
Date: Tuesday, November 1<sup>st</sup>, 2022  
Re: Service Lane Dumpster Agreement

Commissioners,

Several months ago, the Town began receiving numerous complaints from residents, businesses, and visitors, regarding a large amount of trash, debris, and vultures being at the three large dumpsters along Service Lane that are owned by JLH PROPERTIES II LLC and placed there for the businesses renting in their buildings on Main Street. Upon inspection of the site, it was determined that these dumpsters had been placed on public property without the consent of the Town for decades. The property is owned by the post office, but the Town entered into a shared use agreement with the post office to use part of the property for stormwater management efforts.

The Town has been in communication with the property manager, who obtained permission from the Post Office to have the dumpsters there, but now need consent from the Board of Commissioners. The Town is requesting the owner install a 6ft dumpster screening fence that is locked when not in use to help manage residents' concerns. The Town is also asking for a small annual fee to assist with the maintenance of this commercial trash center on public property.

Attached is a draft letter prepared by the Town Attorney, an aerial overview of the site in question, the consent from the Post Office, and the Deed of Easement between the Post Office and Town from 1995.

*[Town Letterhead]*

October \_\_, 2022

JLH PROPERTIES II LLC &  
JLH PROPERTY MANAGEMENT, LLC  
13204 Duley Staton Rd.  
Upper Marlboro, MD 20772

**RE: THE TOWN OF UPPER MARLBORO REVOCABLE, NON-EXCLUSIVE  
LICENSE AND PERMISSION FOR THE OWNER OF 14604 MAIN ST. IN UPPER  
MARLBORO TO ENCUMBER TOWN EASEMENT LOCATED ON ADJOINING POST  
OFFICE PROPERTY**

Dear Managing Member of JLH PROPERTIES II LLC:

I am writing regarding your company's request as the owner of Parcel 122, Tax Account: 0231167 to maintain dumpsters within a Town easement located on Parcel 162, Tax Account: 0249268 off the Town Service Lane. The Deed of Easement for storm drainage in favor of the Town is located on U.S. Postal Service (USPS) property recorded in 1995 in the County Land Records in Liber 10190, Folio 539.

A "revocable" easement gives the Town a limited property right to operate and maintain a storm drain facility within a ~15' x 123' strip of land near the 90-degree bend in the Service Lane (SHA Municipal Route No. 0110). (See the aerial image with the area of the easement drawn, attached hereto and incorporated herein by reference.)

Since the dumpster(s) is/are to be located within the Town's easement and on the USPS's fee simple parcel, the renter, beneficiary or user of the dumpster and/or the waste company must obtain permission (i.e. a license or easement) from both the Town and the USPS to place a dumpster on the Town's easement within the USPS's real property. The Town's easement does not permit the Town to convey rights of usage of USPS property it does not enjoy. Furthermore, the Town's easement is for a limited purpose; however, the Town also regulates dumpsters by ordinance through its State delegated police powers.

The Town is in receipt of a letter dated August 25, 2021, from the Upper Marlboro Postmaster Napoleon Thompson, giving your company permission to keep its tenants' three (3) dumpsters at the rear of USPS property (Parcel 162, Tax Account: 0231167) near the Service Lane. The Town understands that the local postmaster has granted you permission to continue to store your dumpsters on the USPS parcel.

Since the Town enjoys a stormwater drainage easement at the same location, the Town hereby likewise grants you permission in the form of a revocable, conditional, nonexclusive license to continue to store your dumpsters on the Town's easement located on the USPS parcel (Parcel 162) abutting the Town's Service Lane (MUN. Route No. 0110). As a condition of this license or permission, your firm is required to fence in the area surrounding the dumpster(s) with a 6 ft.

DRAFT

privacy fence and gates pre-approved by the Town that are to remain locked and in good workable condition and to obey all laws and ordinances of the Town regarding the use and maintenance of said dumpster(s) and JLH PROPERTIES II LLC shall further agree not to infringe or impair any rights or obligations of the Town under its referenced storm drain easement located on USPS property. JLH shall also agree to pay the Town an annual fee of \$1,000 to assist with the maintenance of the parcel.

Thank you for your cooperation in this matter and do not hesitate to call, write, or email if you wish to discuss this further. If you agree to the above, please sign the certificate below.

Sincerely,

Sarah Franklin  
President

#### CERTIFICATION

BE IT WITNESSED HERETO: The parties signing below by their duly designated representatives hereby certify and enter into this Revocable and Non-exclusive License Agreement and consent to the terms and conditions of said license agreement described in the above letter.

JLH PROPERTIES II LLC

THE TOWN OF UPPER MARLBORO

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: Sarah Franklin  
Mayor  
Date: \_\_\_\_\_

Attachments:

- (1) Letter of permission dated august 25, 2021 from Upper Marlboro Postmaster
- (2) Deed of Easement for storm drainage in favor of the Town located on U.S. Postal Service (USPS) property recorded in 1995 in the County Land Records in Liber 10190, Folio 539.
- (3) Aerial image with the area of the easement.

# SW Easement & Dumpster



Upper Marlboro Post Office  
14605 Elm St.  
Upper Marlboro MD 20772-9998

August 25, 2021

Re: Dumpsters 14514 Main Street

To Kyle Snyder

USPS gives JLH Property Management LLC permission to keep their three (3) dumpsters at the rear of our property in the alley way. The said dumpsters have been located there for at least 15 years. They are actually located on the outside of the fence in the rear of our parking lot.

I spoke with Patti Crissey, and told her it was fine for the dumpsters to stay where they are currently located.

Sincerely,

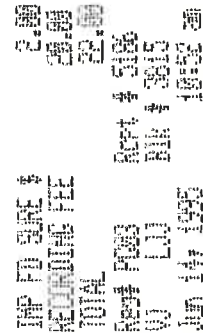
*Napoleon Thompson*  
Postmaster Upper Marlboro  
301. 627- 4331





CLERK OF THE  
CIRCUIT COURT

JUN 14 10 51 AM '95

DEED OF EASEMENT  
FOR  
STORM DRAINAGE  
FROM  
UNITED STATE POSTAL SERVICE  
EASTERN REGION, OWNER  
TO  
TOWN OF UPPER MARLBORO, MARYLAND

The Undersigned United States Postal Service (hereinafter Postal Service), an Independent Establishment within the Executive Branch of the Government of the United States, GRANTOR, in consideration of the completion by the Town of Upper Marlboro, Maryland, GRANTEE, of the initial construction of the storm sewer connection and improvements including an oil-grit separator, underground storm drain line and manhole for the sole uses and benefit of the Postal Service's real property and the promise to clean, maintain, repair, and reconstruct the referenced improvements, subject of this easement, and the further promise that GRANTEE shall restore the Postal Service's parking lot to the condition it was prior to the commencement of the construction of the herein described storm sewer connection and in addition shall repave and resurface the easement area of the parking lot as required in the sole discretion and judgment of the GRANTOR. In consideration of which promise the GRANTOR hereby remises, releases, and quitclaims, a revocable easement to go in, under and upon that certain land situated on Postal Service real property known as Upper Marlboro Post Office, described as follows:

SEE SCHEDULE "A" and ATTACHMENT

GRANTEE shall construct, reconstruct, maintain, clean, operate,

repair, and patrol a storm water sewer connection under, and across said premises to a storm sewer collector in the Service Lane more fully shown on the plat attached hereto and made a part hereof. Said easement is a strip or area of said land approximately fifteen (15) feet wide and approximately one hundred twenty-three (123) feet in length as shown on the plat and described in Attachment A. The purpose of the within easement is to provide a storm water collection and transmission from the Postal real property to the GRANTEE'S storm water drainage system. The herein described portion of the real property owned by the Postal Service shall be used for the benefit of the GRANTOR herein, and its assigns.

The GRANTEE further promises that, after the initial installation and accompanying repaving aforementioned, if, at any time work is required on GRANTOR'S property, the GRANTEE shall first obtain permission of the Postmaster of the facility, which permission shall not be unreasonably withheld and coordinate the work with the needs of the Post Office for ingress and egress to its loading dock and restore the property to as near the same condition existing immediately prior to the commencement of the required action as, in GRANTOR'S sole judgment and discretion is reasonably practicable.

GRANTEE and GRANTOR further agree that should the GRANTEE fail to clean, maintain, repair, or reconstruct the storm water line or appurtenant structures including the oil-grit separator or to

restore the property as required herein the easement shall terminate.

TO HAVE AND TO HOLD the aforesaid right, privilege, and easement unto the GRANTEE, its successors and assigns, forever.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be signed in its name by its duly authorized officer, this 6<sup>th</sup> day of JUNE, 1995.

Witness:

By:

Donald M. Eirke 6/6/95

Samuel D. Weinberg  
CONTRACTING OFFICER  
COLUMBIA MD FACILITIES SERVICE  
OFFICE, US POSTAL SERVICE  
P.O. BOX 701 COLUMBIA, MD  
21045-0701

STATE OF MARYLAND

COUNTY OF

Personally appeared before me, SAMUEL D. WEINBERG, known to me, who made oath that the foregoing instrument was signed by him/her and that it was the free act and deed of the United States Postal Service.

Sworn to me this 6<sup>th</sup> day of June, 1995.

Jean Robinson (SEAL)  
NOTARY PUBLIC

My Commission expires the 1<sup>st</sup> day of July, 1998



SCHEDULE A  
DESCRIPTION OF  
STORM DRAIN EASEMENT  
FROM  
UNITED STATES POSTAL SERVICE  
EASTERN REGION, OWNER  
TO  
TOWN OF UPPER MARLBORO

Being a parcel or tract of land lying in the Marlboro or Third (3rd) Election District of Prince George's County, Maryland, part of the land of the United States Postal Service - Eastern Region, recorded among the Land Records of Prince George's County, Maryland in Liber 6050 at Folio 660, for the construction and perpetual maintenance of a storm drainage facility by the Town of Upper Marlboro and/or their assigns, and being particularly described as follows:

Beginning at a point on a boundary line located N 69° 31' 50" E - 8.94' from the southwestern most property corner of the entire parcel, same property corner being common with the southeast property corner of the adjacent Charles C. Hall property; thence running the following courses and distances:

1. N 20° 28' 10" W, 12.60 feet to a point, thence
2. N 67° 27' 15" E, 51.00 feet to a point, thence
3. S 20° 28' 10" E, 7.00 feet to a point, thence
4. N 67° 27' 15" E, 74.06 feet to a point, thence
5. S 20° 28' 10" E, 15.01 feet to a point, thence
6. S 67° 27' 15" W, 72.00 feet to a point on a curve, thence
7. N 87° 41' 13" W, 19.36 feet along the chord of a curve having a radius of 25.00 feet and an arc length of 19.88 feet to a point, thence
8. S 69° 31' 50" W, 35.00 feet to the point of beginning.

Containing 1,836.79 square feet or 0.0422 of an acre of land.

Subject to any encumbrances of record, if any.

10190.543

Scale: 1" = 30'



Donald Wyvill Property  
Parcel 162

Storm Drain Easement  
Area = 1836.70 sq. ft. or  
0.0422 of an acre

United States Postal Service  
P/O Parcel One  
Liber 6050 @ Folio 660  
71,287 s.f. or 1.6365 acres

S 20°28'10"E - 7.00'

N 67°27'15"E - 51.00'

N 20°28'10"W - 12.60'

S 23°14'30"E - 262.44'

Charles C. Hall Property  
P/O Parcel One  
27,450 s.f. or  
0.6302 acres

N 67°27'15"E - 240.21'

S 67°27'15"W - 72.00'

N 67°27'15"E - 74.06'

S 26°42'45"E - 37.57'

Radius = 25.00'  
Arc Length = 19.88'  
Chord = N 87°41'13"W - 19.36'

N 69°31'50"E - 43.94'

Service Lane

Service Lane