

**CITY OF SALISBURY  
ORDINANCE NO. 2116**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND FOR ABANDONMENT OF AN EXISTING UTILITY EASEMENT THAT HAS BEEN RELOCATED AND FOR WHICH THE CITY HAS BEEN GRANTED A REPLACEMENT EASEMENT ON PROPERTY KNOWN AS HERITAGE CONDOMINIUM, IN THE SALISBURY ELECTION DISTRICT, WICOMICO COUNTY, STATE OF MARYLAND, AND FOR THE RELEASE OF THE DEED OF EASEMENT OF THE EXISTING UTILITY EASEMENT TO THE OWNER OF THAT PROPERTY.**

**WHEREAS**, Culver, Culver & Dunsten, LLC (Heritage Condominium) owns certain real property in Phase 1A and 1B of said Condominium, which is encumbered by a City of Salisbury utility easement; and for the purpose of the development of the aforementioned condominium, Heritage Condominium has executed a deed of easement for a relocated utility easement; and

**WHEREAS**, the City of Salisbury has agreed to relocate the utility easement and abandon a portion of the existing easement; and

**WHEREAS**, Culver, Culver & Dunsten, LLC (Heritage Condominium) has prepared and the City of Salisbury has approved a utility easement relocation plan attached hereto as Exhibit 1; and

**WHEREAS**, Culver, Culver & Dunsten, LLC (Heritage Condominium) is conveying to the City of Salisbury the relocated easement area and the City of Salisbury is releasing the abandoned easement area; and

**WHEREAS**, the Salisbury Charter SC11-2 gives the City of Salisbury charge of all public ways in the City of Salisbury; and

**WHEREAS**, SC16-8 allows the City of Salisbury to abandon or otherwise dispose of property that is not saleable.

**NOW, THEREFORE**, be it ordained by the City of Salisbury, Maryland, as follows:

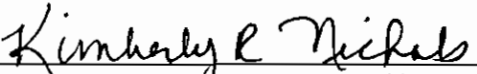
1. That the release of deed of easement between the City of Salisbury and Culver, Culver & Dunsten, LLC allows for the abandonment of a utility easement area as shown on the aforementioned Exhibit 1.
2. For the purposes and reasons hereinabove set forth, the City of Salisbury be, and hereby is, authorized to convey to Culver, Culver & Dunsten, LLC, all of the City's right, title and interest in the abandoned utility easement area.

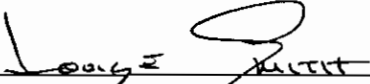
3. The City Solicitor is hereby directed to prepare and submit for execution by the City of Salisbury an appropriate document to release the unneeded utility easement area.

AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

THE ABOVE ORDINANCE was introduced and read at meeting of the Council of the City of Salisbury held on the 12<sup>th</sup> day of July, 2010, and thereafter a statement of the substance of this ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 9<sup>th</sup> day of August, 2010.

ATTEST:




  
\_\_\_\_\_  
Kimberly R. Nichols, Assistant City Clerk

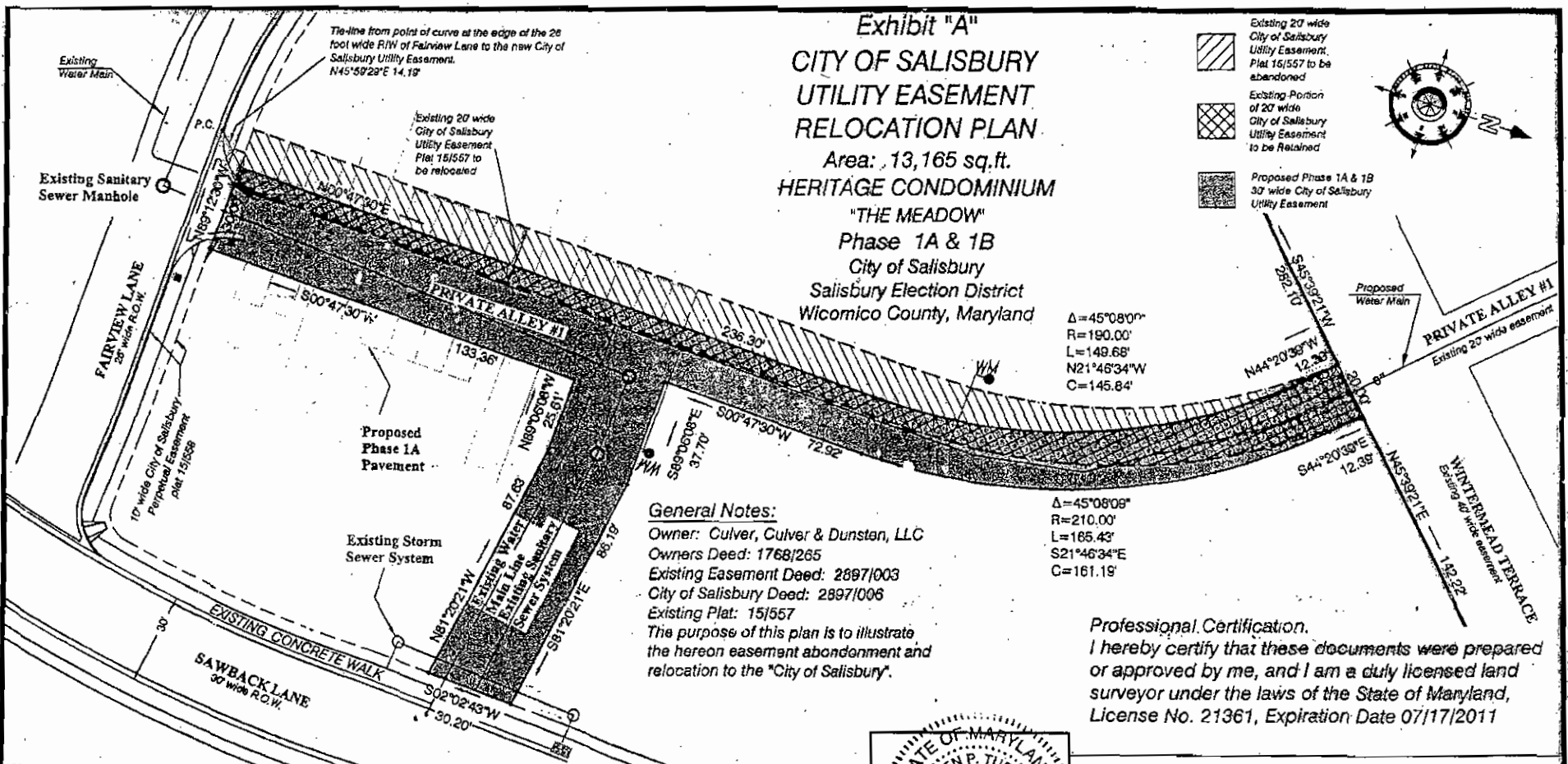
  
\_\_\_\_\_  
Louise Smith, President  
Council of the City of Salisbury

Approved by me, this 13<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
James Ifferton, Jr.  
Mayor of the City of Salisbury

**Exhibit "A"**  
**CITY OF SALISBURY**  
**UTILITY EASEMENT**  
**RELOCATION PLAN**  
 Area: 13,165 sq.ft.  
**HERITAGE CONDOMINIUM**  
 "THE MEADOW"  
 Phase 1A & 1B  
 City of Salisbury  
 Salisbury Election District  
 Wicomico County, Maryland

-  Existing 20' wide City of Salisbury Utility Easement, Plat 15/557 to be abandoned
-  Existing Portion of 20' wide City of Salisbury Utility Easement to be Retained
-  Proposed Phase 1A & 1B 30' wide City of Salisbury Utility Easement



Δ=45°08'00"  
 R=190.00'  
 L=149.68'  
 N21°46'34"W  
 C=145.84'

Δ=45°08'00"  
 R=210.00'  
 L=165.43'  
 S21°46'34"E  
 C=161.19'

**General Notes:**  
 Owner: Culver, Culver & Dunstan, LLC  
 Owners Deed: 1768/265  
 Existing Easement Deed: 2897/003  
 City of Salisbury Deed: 2897/006  
 Existing Plat: 15/557  
 The purpose of this plan is to illustrate the hereon easement abandonment and relocation to the "City of Salisbury".

*Professional Certification.*  
 I hereby certify that these documents were prepared or approved by me, and I am a duly licensed land surveyor under the laws of the State of Maryland, License No. 21361, Expiration Date 07/17/2011



Civil Engineers  
 Land Planners  
 Landscape Architects  
 Surveyors

10044 Old Ocean City Boulevard Berlin, Maryland 21811 Ph.410.629.1160

|               |                      |
|---------------|----------------------|
| PREPARED FOR: | TEMCO BUILDERS, INC. |
| Scale:        | 1"=40'               |
| T.M. #:       | MAP 37, PARCEL 144   |
| Dms:          | 11/13/2009           |
| JOB #:        | 121-09               |
| Drawn By:     | SPT                  |
| Page:         | 1 of 1               |



APPROVED:  
 City of Salisbury  
 Salisbury Public Works

City Project # 90-004

*(Signature)* 1-20-10  
 Newell W. Messick, III, P.E. Acting Director Date

## RELEASE OF DEED OF EASEMENT

THIS RELEASE OF DEED OF EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the **CITY OF SALISBURY**, a municipal corporation of the State of Maryland (hereinafter referred to as the "City") to **CULVER, CULVER & DUNSTEN, LLC**, a Maryland limited liability company (hereinafter referred to as "Grantee"), witnesseth:

WHEREAS, the City was the grantee of a certain utility easement as a result of the deed of easement from Culver, Culver & Dunsten, LLC and recorded in the Land Records of Wicomico County, Maryland, in Liber M.S.B. No. 2897, Folio 003, et seq.;

WHEREAS, the within Grantee, Culver, Culver & Dunsten, LLC, a Maryland limited liability company, is presently the owner of the parcels of land subject to the easement established in the aforesaid deed of easement to the City, the title of Culver, Culver & Dunsten, LLC, thereto being more particularly set forth and described in that deed from Robert L. Culver, et. al. dated August 31, 2000 and recorded as aforesaid in Liber M.S.B. No. 1768, Folio 265, et seq.; and

WHEREAS, the City has agreed to release and relinquish to the property owner, Culver, Culver & Dunsten, LLC, the old utility easement established in favor of the City as aforesaid, and in consideration for such termination of the former utility easement to the City, Culver, Culver & Dunsten, LLC, by an instrument executed and recorded or intended to be recorded immediately subsequent to this instrument, shall grant a new utility easement to the City in a new location so as to accommodate the construction of the Phase 1A and 1B of "The Meadow" Heritage Condominium on the lands of said property owner.

NOW, THEREFORE, WITNESSETH, that for and in consideration of the sum of Zero Dollars (\$0.00) and for other good and valuable consideration, receipt whereof is hereby acknowledged by the parties hereto, the City does hereby release, relinquish, discharge, grant, convey and quitclaim over to the Grantee, **Culver, Culver & Dunsten, LLC**, a Maryland limited liability company (hereinafter referred to as "Grantee"), its successors and assigns, all of its right, title and interest in and to the easements more particularly described as follows:

ALL that lot or parcel of land situate, lying and being in the City of Salisbury, Salisbury Election District, Wicomico County, State of Maryland, that 20 foot wide City of Salisbury Utility Easement extending from Fairview Lane on the south in a generally northerly direction to Wintermead Terrace on the north and shown and depicted as a hatched/cross-hatched area on a plat entitled "Exhibit A City of Salisbury Utility Easement Relocation Plan, Area 13,165 sq. ft. Heritage Condominium, The Meadow, Phase 1A & 1B", said plat attached hereto and made a part hereof as Exhibit "A".

AND being a part of the easement(s) granted to the City of Salisbury by deed from Culver, Culver & Dunsten, LLC, dated February 8, 2008 and recorded among the Land Records for Wicomico County, Maryland in Liber M.S.B. No. 2897, Folio 003.

AS WITNESS the due execution the day and year first above written.

ATTEST:

CITY OF SALISBURY

By: \_\_\_\_\_ (SEAL)

James Ireton, Mayor

STATE OF MARYLAND, COUNTY OF WICOMICO, to wit:

I HEREBY CERTIFY, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared James Ireton, Mayor of the City of Salisbury, known (or satisfactorily proven) to me to be the person whose name is subscribed to the within document, and who acknowledged that he executed the same in such capacity for the purposes therein contained.

AS WITNESS my hand and notarial seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

CERTIFICATION




I HEREBY CERTIFY that the within and foregoing instrument has been prepared by or under the supervision of the undersigned attorney authorized to practice in the State of Maryland.

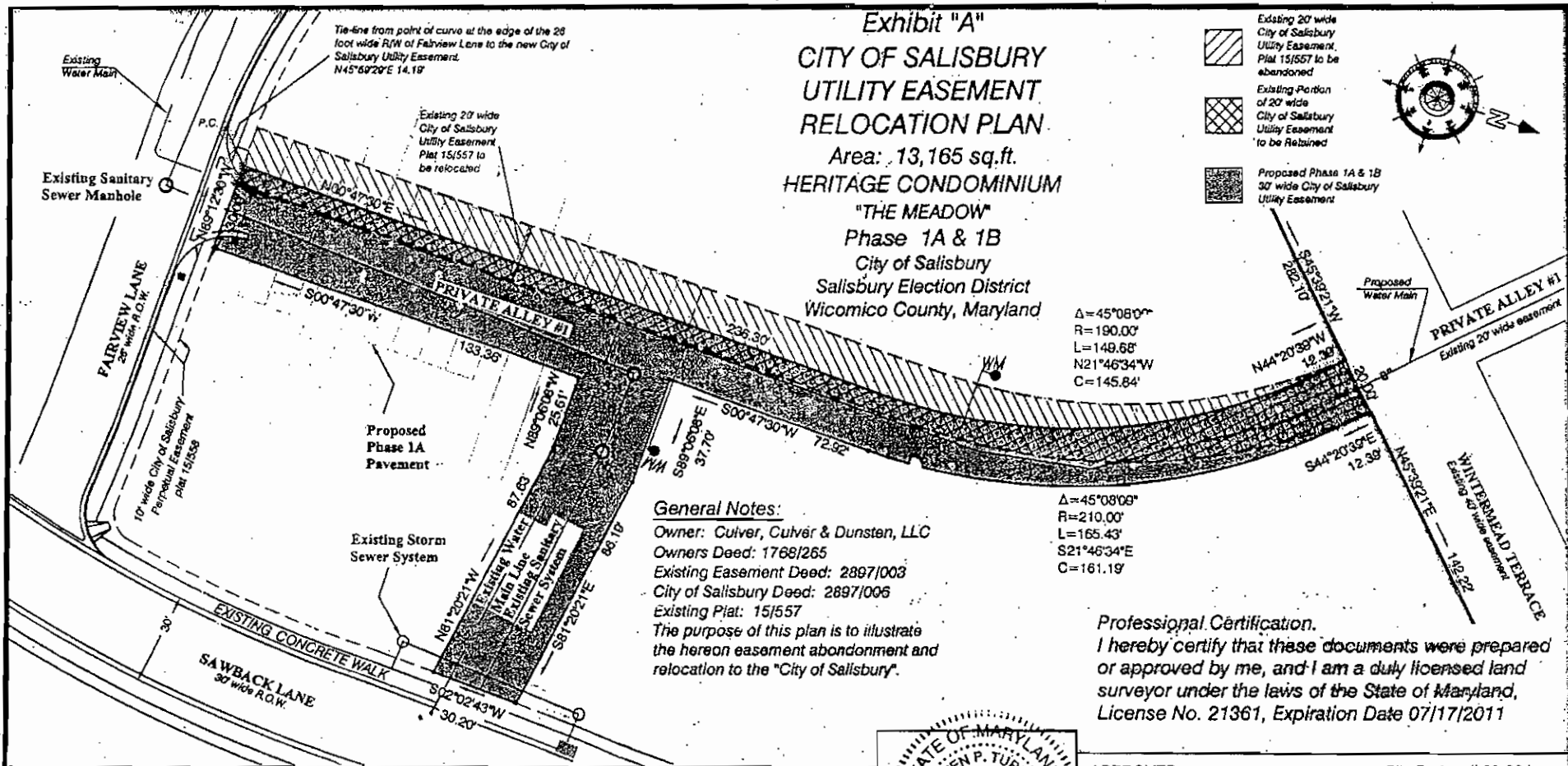
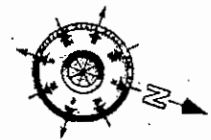
  
\_\_\_\_\_  
Robert A. Benson

Law Offices  
CULLEN, INSLEY  
& BENSON, LLP  
132 E. Main St.  
Salisbury, MD 21801

Wpdocs/Openfiles/Dunsten, Gee/Release of Deed of Easement

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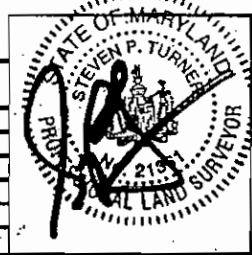
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APPROVED: City of Salisbury  
 Salisbury Public Works

City Project # 90-004

*Newell W. Messick, III* 1-20-10  
 Newell W. Messick, III, P.E. Acting Director Date

# City of Salisbury



JAMES IRETON, JR.  
MAYOR

JOHN R. PICK  
CITY ADMINISTRATOR

LORÉ CHAMBERS  
ASSISTANT CITY ADMINISTRATOR

125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801  
Tel: 410-548-3170  
Fax: 410-548-3107

MARYLAND

PUBLIC WORKS  
TERESA GARDNER P.E.  
DIRECTOR

June 23, 2010

Memorandum for City Administrator

**Subject: Proposed Easement Abandonment and Relocation**

**Purpose:** To provide information to the City Council regarding a request by Culver, Culver & Dunsten, LLC (Heritage Condominium) to abandon and relocate a portion of an existing public utility easement located on and across their lands.

**Recommendation:** I recommend City Council approval of the attached ordinance.

**Discussion:**

- The request by Culver, Culver & Dunsten, LLC for the easement abandonment and relocation is for the purpose of accommodating the recently constructed and/or relocated public utility mains serving "Heritage Condominium" and for the release to Culver, Culver & Dunsten, LLC of all right, title and interest of the City of Salisbury in and to the abandoned easement area which the City has determined to be unnecessary for any public use.
- The Department of Public Works has determined that the easement area proposed for abandonment and shown on a utility easement relocation plan attached to the aforementioned ordinance as "Exhibit 1" is no longer necessary for public use. The relocated easement area shown on "Exhibit 1" does accommodate the recently constructed/relocated public utility mains serving the "Heritage Condominium" project.

Unless you or the Mayor has any questions, please forward this memorandum to the City Council. For any questions you may have, I can be reached at (410) 548-3170 or by e-mail at [tgardner@ci.salisbury.md.us](mailto:tgardner@ci.salisbury.md.us).

Sincerely,

Teresa Gardner, P.E.  
Director of Public Works