

**CITY OF SALISBURY
ORDINANCE NO. 2153**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND FOR ABANDONMENT OF AN EXISTING UTILITY EASEMENT THAT IS PROPOSED TO BE RELOCATED AND FOR WHICH THE CITY WILL BE GRANTED A REPLACEMENT EASEMENT ON PROPERTY OWNED BY WALGREEN COMPANY LOCATED AT 917 MT. HERMON ROAD, PARSONS ELECTION DISTRICT, WICOMICO COUNTY, STATE OF MARYLAND.

WHEREAS, Walgreen Co., an Illinois corporation owns certain real property at 917 Mt. Hermon Rd., which is encumbered by a City of Salisbury utility easement; and for the purpose of the development of the aforementioned property, Walgreen Co. has executed a deed of easement for a relocated utility easement attached hereto as Exhibit "C"; and

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

WHEREAS, Walgreen Co. has prepared and the City of Salisbury has approved a utility easement relocation plan attached hereto as Exhibit "A"; and

WHEREAS, Walgreen Co. 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 Walgreen Co. allows for the abandonment of the utility easement area as shown on the aforementioned Exhibit "A".

2. For the purposes and reasons hereinabove set forth, the City of Salisbury be, and hereby is, authorized to convey to Walgreen Co., an Illinois corporation, all of the City's right, title and interest in the abandoned utility easement area.


3. Walgreen Co. has prepared and the City Solicitor has reviewed the release of deed of easement to release the unneeded utility easement area attached hereto as Exhibit "D".

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 a meeting of the Council of the City of Salisbury held on the 9th day of May, 2011, 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 13th day of June, 2011.

ATTEST:


Brenda J. Colegrove, City Clerk


Terry E. Cohen, President
Council of the City of Salisbury

Approved by me, this
14th day of June, 2011.

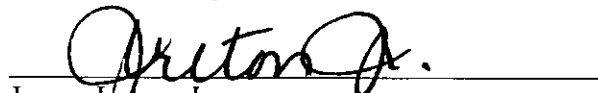

James Hinton, Jr.
Mayor of the City of Salisbury

Exhibit "A"

EXHIBIT SHOWING
CITY OF SALISBURY
STORM DRAIN EASEMENT
WALGREEN COMPANY
L. 2856 F. 569
5TH ELECTION DISTRICT
WICOMICO COUNTY, MARYLAND

MD. ROUTE 50
200' WIDE R/W

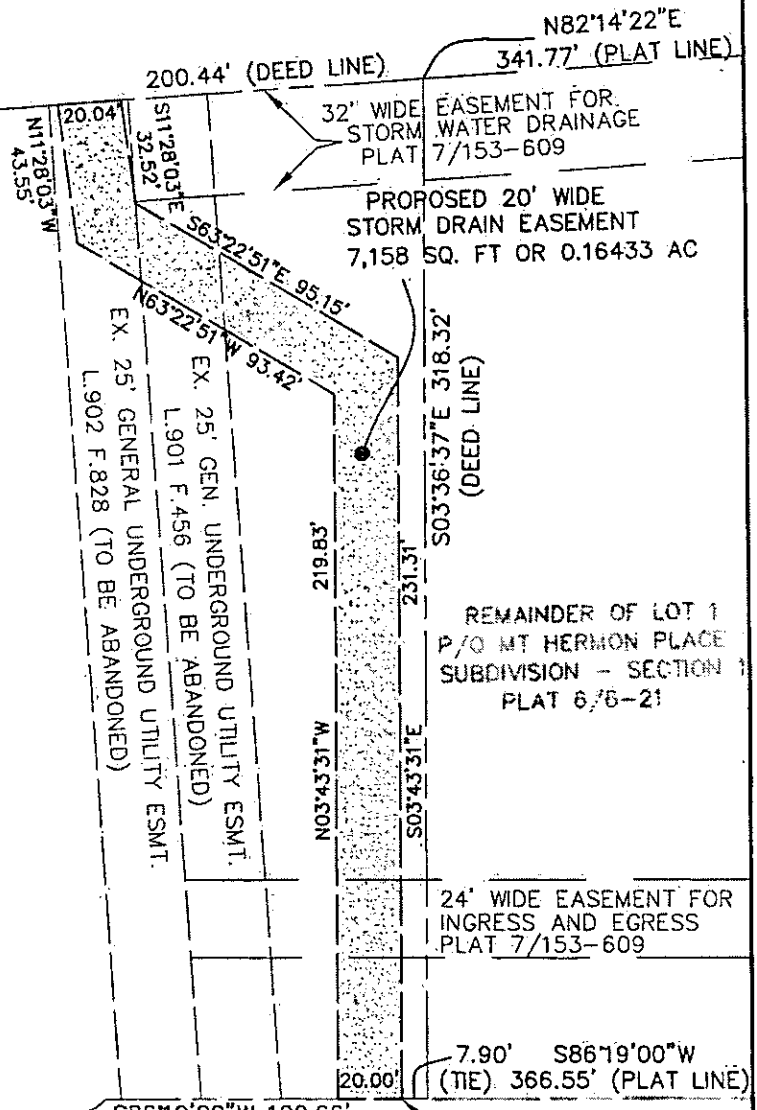
PB. AJS 7 PG. 153/609

REMAINDER LOT 1A
MOUNT HERMON PLACE, SECTION 1
PLAT CABINET AJS 7, SLOT 153, PG. 609

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION AND I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND.

Wayne F. Aubertin 4/29/11
WAYNE F. AUBERTIN
PROF. LAND SURVEYOR
MD. REG. #21330



MT. HERMON ROAD
VARIABLE WIDTH R/W



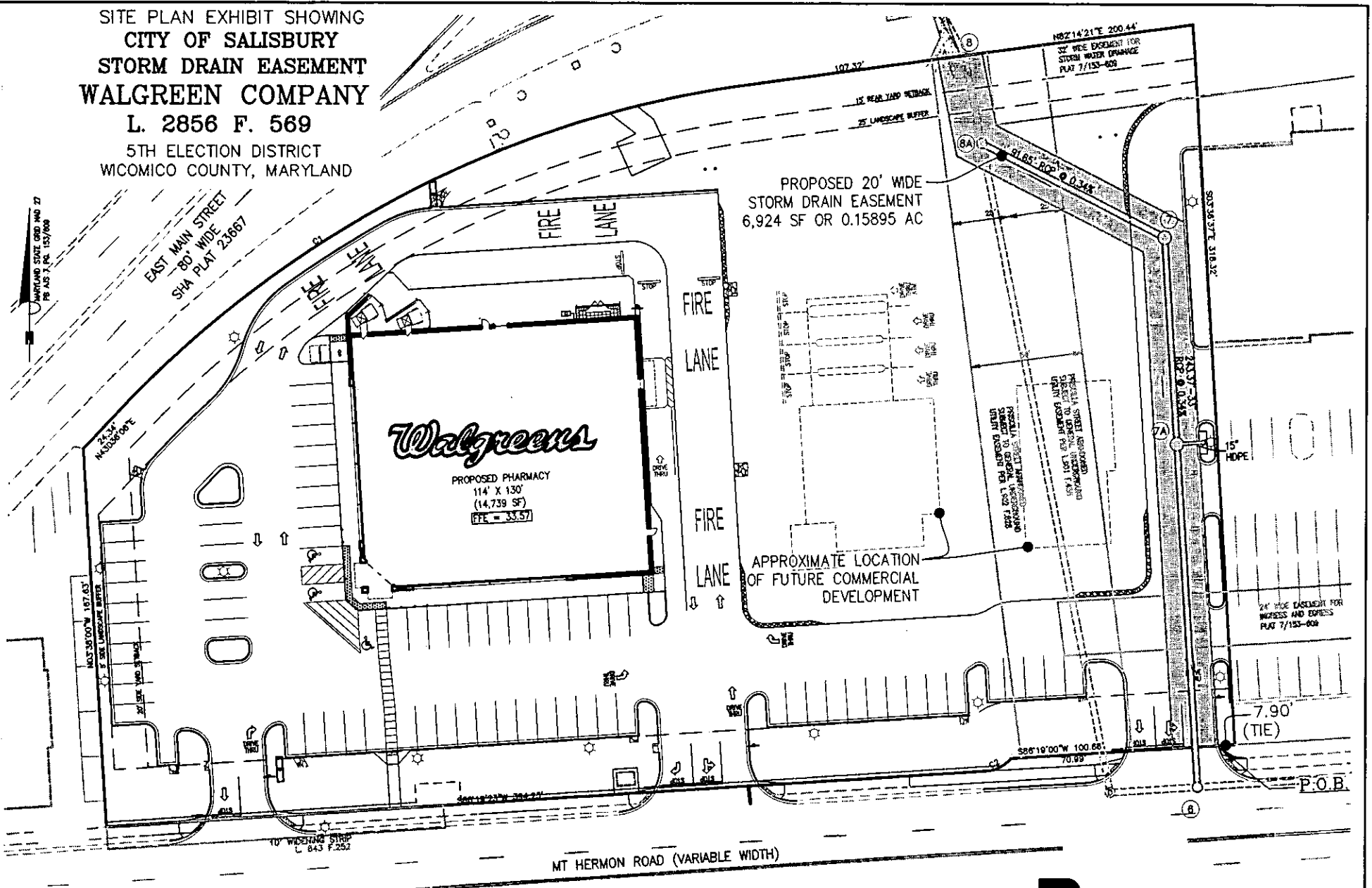
Bowman Consulting Group, Ltd. Phone: (410) 224-7590
2530 Riva Road, Suite 200 Fax: (410) 224-7592
Annapolis, Maryland 21401 www.bowmanconsulting.com

APPROVED CITY PROJECT #
CITY OF SALISBURY
SALISBURY PUBLIC WORKS

DIRECTOR _____ DATE _____

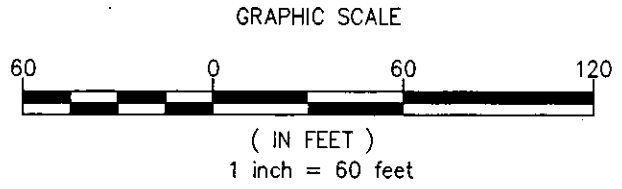
SCALE: 1"=60'

SITE PLAN EXHIBIT SHOWING
CITY OF SALISBURY
STORM DRAIN EASEMENT
WALGREEN COMPANY
 L. 2856 F. 569
 5TH ELECTION DISTRICT
 WICOMICO COUNTY, MARYLAND



APPROVED _____ CITY PROJECT # _____
 CITY OF SALISBURY
 SALISBURY PUBLIC WORKS

DIRECTOR, _____ DATE _____



Bowman
CONSULTING

Bowman Consulting Group, Ltd. Phone: (703) 464-1000
 14020 Thunderbolt Place, Suite 300 Fax: (703) 481-9720
 Chantilly, Virginia 20151 www.bowmanconsulting.com

© Bowman Consulting Group, Ltd.

BEING one (1) strip or parcel of land, 20 feet wide, lying in the 5th Election of Wicomico County, Maryland, and being in, through, over and across part of the property acquired by **WALGREEN COMPANY, an Illinois Corporation** from ROMMEL ENTERPRISES I, LLC, a Maryland limited liability company by deed dated October 11, 2007 and recorded among the Land Records of Wicomico resubdivision entitled "RESUBDIVISION OF LOT ONE, MOUNT HERMON PLACE, SECTION 1" and recorded among the aforesaid Land records in Plat Cabinet AJS 7, Slot 153, Phase 609, said strip or parcel being more particularly described in the datum of said plat as follows:

BEGINNING for the same at a point on the Northerly right-of-way line of Mt. Hermon Road, variable width, on the 6th or South 86°19'00" West, 100.66 feet line of the aforesaid deed to Walgreen Company, said point being 7.90 feet from the beginning thereof; thence binding with part of said line the following course and distance

- (1) South 86°19'00" West, 20.00' to a point; thence departing said line and running through the Walgreen Company property the following three (3) courses and distances
- (2) North 03°43'31" West, 219.83' to a point; thence
- (3) North 63°22'51" West, 93.42' to a point; thence
- (4) North 11°28'03" West, 43.55' to a point on the 4th or North 82°14'21" East, 200.44 feet line of the deeded limits of the Walgreen Company property, the Southerly right-of-way line of U.S. Route 50; thence with part of said line the following course and distance
- (5) North 82°14'21" East, 20.04' to a point; thence leaving said line and running through the Walgreen Company property the following three (3) courses and distances
- (6) South 11°28'03" East, 32.52' to a point; thence
- (7) South 63°22'51" East 95.15' to a point; thence
- (8) South 03°43'31" East, 231.31' to the point of beginning, containing 7,158 square feet or 0.16433 acres of land more or less.

Together with a blanket easement for above described portion of property, for the construction, installation, replacement, operation, maintenance and repair of any drainage structures located on private property, which includes 5' clearance around any such structure or utility.

The aforementioned Easements are part of the lands conveyed unto Walgreen Co., by deed from Rommel Enterprises I, LLC., dated October 11, 2007, recorded among the Land Records of Wicomico County in Liber 2856, Folio 568.

REFERENCE to the aforesaid deeds, plats, and declaration and to preceding deeds of the property hereby conveyed, and to the references contained herein, is hereby made a part of hereof as if herein is fully set forth.

TOGETHER WITH the right of ingress, egress and regress over the property of Grantor for the purpose

of necessary construction, repair, maintenance and inspection, provided, however, that the City of Salisbury shall restore the surface of Grantor's property to its original condition upon completion of the said construction, repairs, maintenance or inspections, at City's sole cost.

FURTHER, City agrees to keep utilities in good repair and further agrees to maintain its installations on the premises at its sole cost.

GRANTOR hereby covenants that it will not construct any structural improvements, plant trees, shrubs or place any landscaping other than grass, in the easement area, without the prior written consent of the City of Salisbury.

Grantor covenants that the easements hereby granted shall be perpetual and shall run with the lands of the City.

TO HAVE AND TO HOLD the above described easement unto the said City of Salisbury, a Maryland municipal corporation, its successors and assigns, forever.

AS WITNESS WHEREOF, the undersigned, being the Grantor herein, has hereunder set its hand and seal the day and year first above written.

ATTEST:

Walgreen Co.
An Illinois corporation

Nancy Jung

By: [Signature] (SEAL)
NAME Robert M. Silverman
Title Divisional Vice President

By: _____ (SEAL)
NAME
Title

STATE OF ILLINOIS, LAKE COUNTY, to wit:

I HEREBY CERTIFY that on this 21st day of April, 2011, before me, the subscriber, a Notary Public in and for the State of Illinois, personally appeared Robert M. Silverman and that he as such Divisional Vice President being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Divisional Vice President.

AS WITNESS my hand and Notarial Seal.

[Signature]
Notary Public

My Commission Expires: _____

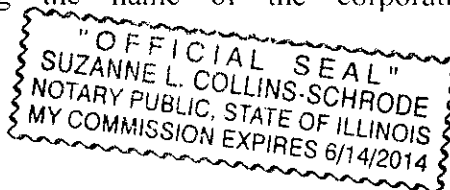


Exhibit "D"

THIS RELEASE OF DEED OF EASEMENT, made this ____ day of _____, 20 ____ by the City of Salisbury, a municipal corporation of the State of Maryland (hereinafter referred to as the "City") to Walgreen Co., an Illinois corporation, (herein referred to as "Grantee"), witnesseth:

WHEREAS, the City retained a certain utility easement as a result of Quit-Claim-Deeds to Mercantile Safe Deposit & Trust Company, Trustee under the Residuary Trust created under the Last Will and Testament of Richard H. Hodgson and recorded in the Land Records of Wicomico County Maryland, in Liber A.J.S. 901, Folio 456 and to The Life Insurance Company of Virginia and recorded in the aforesaid land records in Liber A.J.S 902, Folio 828;

WHEREAS, Grantee, is presently the owner of the parcels of land subject to the easement established in the aforesaid Quit-Claim-Deeds, the title of Grantee, thereto being more particularly set forth and described in that deed from _____, et. al. dated _____ and recorded as aforesaid in Liber M.S.B. _____ Folio _____ et seq.; and

NOW, THEREFORE WITNESSETH, that for and in consideration of Ten Dollars (\$10.00) 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, its successors and all assigns, all of its right, title, and interest in and to the easements more particularly described as follows:

All those areas of land situate, lying and being in the City of Salisbury, Parsons Election District, Wicomico County, State of Maryland and depicted as "Ex. 25' General Underground Utility Esmt., L. 901 F. 456" and "Ex. 25' General Underground Utility Esmt. L. 902 F. 828", both of which denoted as "To Be Abandoned" on a plat entitled "Exhibit Showing City of Salisbury Storm Drain Easement", said plat attached hereto and made a part hereof.

AND being all those easements retained by the City of Salisbury in the aforesaid Quit-Claim-Deeds.

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

ATTEST:

CITY OF SALISBURY

By:

(SEAL)

James Ireton, Mayor

By:

(SEAL)

NAME

Title

STATE OF MARYLAND, _____ COUNTY, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2011, before me, the subscriber, a Notary Public in and for the State of 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: _____

City of Salisbury



MARYLAND



JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

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

TERESA GARDNER, P.E.
DIRECTOR OF PUBLIC WORKS

April 21, 2011

Memorandum for City Administrator

Subject: Proposed Easement Abandonment and Relocation

Purpose: To provide information to the City Council regarding a request by Bowman Consulting on behalf of Walgreen Company to abandon and relocate a portion of an existing public utility easement located on and across their lands located at 917 Mt. Hermon Rd., the present location of the State of Maryland "One Stop Job Market".

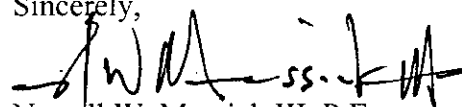
Recommendation: I recommend City Council approval of the attached ordinance.

Discussion:

- The request by Bowman Consulting for the easement abandonment and relocation is for the purpose of accommodating a future commercial development, as shown on Exhibit "B", by relocating an existing 33" RCP drainage pipe roughly 50' to the east of its present location and for the release to Walgreen Company of all right, title and interest of the City of Salisbury in and to the abandoned easement area which the City has determined will be unnecessary for any public use.
- The Department of Public Works has determined that the easement area proposed for abandonment and shown on the ordinance attachments as Exhibit "A" and Exhibit "B" will no longer be necessary for public use once the drainage pipe is relocated. The relocated easement area shown on "Exhibits "A" and "B" will accommodate the drainage pipe. Drainage will not be negatively affected.

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.

Sincerely,


Newell W. Messick III, P.E.
Deputy Director of Public Works

4-21-11

Bowman CONSULTING

March 15, 2011

Dallas Baker
Salisbury Public Works
125 North Division Street
Room 202
Salisbury, MD 21801

**Re: City Council Meeting
Walgreens Pharmacy Development
901 Mt. Hermon Rd.
Salisbury, MD 21804**

Dear Mr. Baker,

Please accept this letter along with the enclosed documents as our submission package to the Salisbury City Council and other applicable agencies for the proposed utility easement and the release of the existing utility easement located at the subject property. The existing easement is currently dedicated for the maintenance of existing underground utilities including a 33" RCP drainage pipe which traverses the subject property in a south-north direction. Based on existing conditions documents obtained from our office, this pipe is part of a public drainage system which conveys stormwater runoff from an existing drainage network located along the Mt. Hermon Rd right-of-way and connects to a drainage system within the Rt. 50 right-of-way at the rear of the subject property.

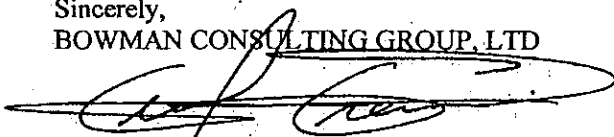
We are proposing to relocate this drainage pipe approximately 50 feet to the east of its current location and within the boundary of the subject property in order to accommodate a shopping center development that is proposed at this site. The slope and size of the new drain pipe will remain unchanged; therefore, the hydraulic capacity of the drain system will not be negatively affected. A new 20-foot wide utility easement will also be dedicated to the City of Salisbury for the relocated drain pipe.

Per your request, enclosed with this submission package please find the following documents:

- Release Deed of Easement For Existing Easement
- Deed of Easement For Proposed Easement
- Easement Plat (1 copy: 8½" – 11")
- Site Plan Exhibit (1 copy: 8½" – 11")

We respectfully ask that you please review and forward the enclosed documents to be placed in the City Council's next scheduled meeting agenda. Should you have any questions or require any additional information, please feel free to contact me at 703-464-1000.

Sincerely,
BOWMAN CONSULTING GROUP, LTD



Grid Grem, P.E.
Project Manager