

## ORDINANCE NO. 2218

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND FOR THE ABANDONMENT OF A PORTION OF AN EXISTING UTILITY EASEMENT ON PROPERTY OWNED BY PENINSULA REGIONAL MEDICAL CENTER LOCATED AT 100 EAST CARROLL STREET, CAMDEN ELECTION DISTRICT, WICOMICO COUNTY, STATE OF MARYLAND.

WHEREAS, Peninsula Regional Medical Center, a Maryland, not for profit corporation (hereinafter referred to as "PRMC") owns certain real property at 100 East Carroll St., which is encumbered by a City of Salisbury utility easement; and for the purpose of the development of the aforementioned property, PRMC will relocate a water meter installed in the initial easement area to a point within the remaining utility easement area; and

WHEREAS, the City of Salisbury has agreed to the water meter relocation and to abandon 389.25 sq. ft. of the existing utility easement, which the City has determined to be unnecessary for any public purpose; and

WHEREAS, PRMC has prepared and the City of Salisbury has approved a utility easement abandonment plan attached hereto as Exhibits "A" and "B"; and

WHEREAS, the City of Salisbury is releasing to PRMC the abandoned easement area shown on the plat entitled "Peninsula Regional Medical Center – Easement Abandonment Plan", attached hereto as Exhibits "A" and "B"; and

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

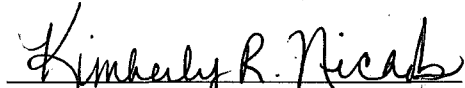
WHEREAS, SC16-8 allows the City of Salisbury to abandon or otherwise dispose of property that is not saleable.

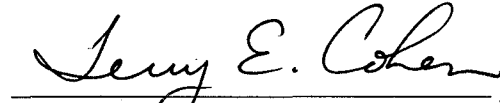
NOW, THEREFORE, be it ordained by the City of Salisbury, Maryland, as follows:

1. That the quitclaim deed between the City of Salisbury and PRMC allows for the abandonment of the 389.25 sq. ft. utility easement area as shown on the aforementioned Exhibits "A" and "B".
2. For the purposes and reasons hereinabove set forth, the City of Salisbury be, and hereby is, authorized to convey to PRMC, all of the City's right, title and interest in the abandoned utility easement area.
3. PRMC has prepared and the City Solicitor has reviewed the quitclaim deed to release the unneeded utility easement area attached hereto as Exhibit "C".

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.

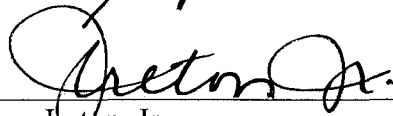
THE ABOVE ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 10<sup>th</sup> day of September, 2012, and thereafter a statement of the substance of this ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 24<sup>th</sup> day of September, 2012.

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

  
\_\_\_\_\_  
Terry E. Cohen, Council President

Approved by me, this

26<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
James Ireton, Jr.  
Mayor, City of Salisbury

# 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

To: John Pick, City Administrator

From: Teresa Gardner, Director of Public Works

Date: August 15, 2012

Re: Proposed Easement Area Abandonment for Peninsula Regional Medical Center

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Peninsula Regional Medical Center has requested that a portion of an existing public utility easement located on their property be abandoned and that the City of Salisbury release all of its rights, title and interest, in and to the abandoned easement area to them. This request is for the purpose of accommodating the PRMC Surgery Center expansion, near the intersection of South Salisbury Boulevard and West Vine Street, by relocating a water meter in the proposed abandonment area to a point within the remaining existing utility easement. This 389.25 sq. ft. area to be abandoned is shown on Exhibits "A" and "B" of the attached ordinance.

The Department of Public Works has determined that the easement area proposed for abandonment and shown on the ordinance attachments will no longer be necessary for public use once the water meter is relocated as outlined above. The public mains and the existing easement area over the public mains will not be affected.

These documents have been reviewed by the City Attorney. Unless you or the Mayor has further questions, please forward a copy of this memo to the City Council.

**RICHARD M. DUVALL**

**ATTORNEY-AT-LAW**  
112 WEST MAIN STREET  
P.O. BOX 4077  
SALISBURY, MARYLAND 21803-4077  
Telephone: (410) 548-1010  
Fax: (410) 548-1045

Richard M. Duvall

RichardMDuvall@verizon.net

June 13, 2012

Mayor and City Council  
City of Salisbury  
125 N. Division Street  
Salisbury, MD 21801

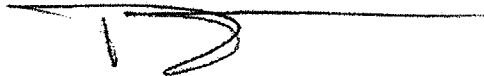
Dear Ladies and Gentleman:

I represent Peninsula Regional Medical Center.

This will serve to request that the Mayor and City Counsel abandon by Ordinance, a certain utility easement to the City of Salisbury as described and shown in the attached proposed deed and plat intended to be recorded in the Land Records of Wicomico County.

If you have any questions, please do not hesitate to contact me.

Sincerely,

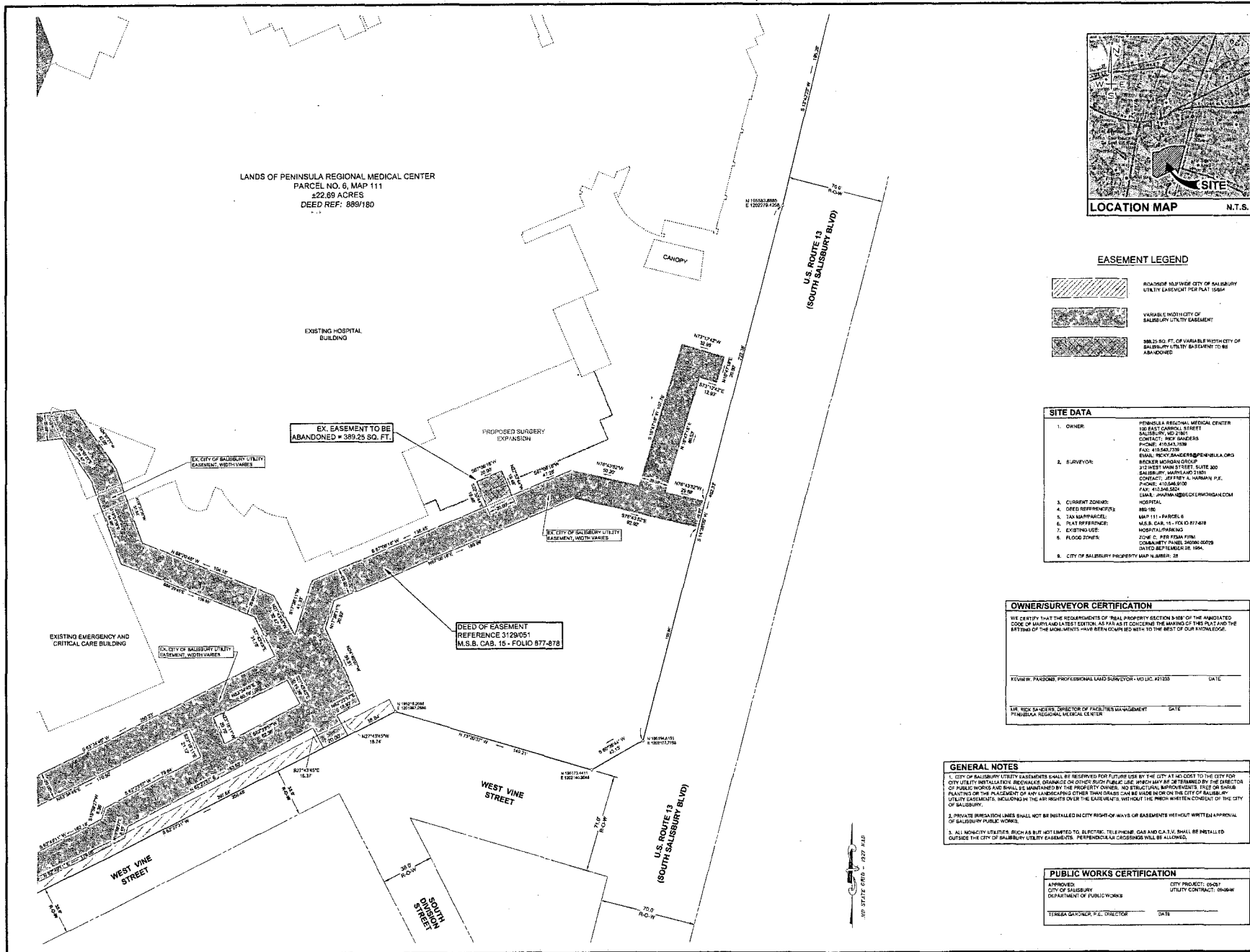


Richard M. Duvall

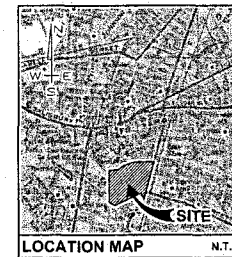
RMD/lap

cc via e-mail: Teresa Gardner, P.E.  
Mark Tilghman, Esq.

EXHIBIT A



LANDS OF PENINSULA REGIONAL MEDICAL CENTER  
 PARCEL NO. 6, MAP 111  
 ±22.89 ACRES  
 DEED REF: 889/180



EASEMENT LEGEND

- ROADWAY EASEMENT CITY OF SALISBURY UTILITY EASEMENT FOR PLAT 1588P
- VARIABLE WIDTH UTILITY EASEMENT
- 360.25 SQ. FT. OF VARIABLE WIDTH CITY OF SALISBURY UTILITY EASEMENT TO BE ABANDONED

SITE DATA

1. OWNER: PENINSULA REGIONAL MEDICAL CENTER  
 150 EAST CARROLL STREET  
 SALISBURY, MD 21801  
 CONTACT: REY SANDERS  
 PHONE: 410.545.7539  
 FAX: 410.545.7378  
 EMAIL: REY.SANDERS@PENINSULA.ORG
2. SURVEYOR: MICHAEL HODSON CONSULTING  
 312 WEST MAIN STREET, SUITE 300  
 SALISBURY, MARYLAND 21801  
 CONTACT: JEFFREY A. HANMAN P.E.  
 PHONE: 410.546.8200  
 FAX: 410.546.8200  
 EMAIL: JAHANMAN@MICHAELHODSON.COM
3. CURRENT ZONING: HOSPITAL  
 880-180
4. OTHER REFERENCES: MAP 111 - PARCELS
5. TAX MAP PARCEL: M.S.B. CAB. 15 - FOLIO 87-878
6. PLAT REFERENCE: HOSPITAL PLANS
7. EXISTING USE: ZONE C - PER FEMA FIRM  
 CONTAMINATED PLAINS 50000-0009  
 DATED SEPTEMBER 26, 1994.
8. CITY OF SALISBURY PROPERTY MAP NUMBER: 38

OWNER/SURVEYOR CERTIFICATION

WE CERTIFY THAT THE REQUIREMENTS OF REAL PROPERTY SECTION 3-100 OF THE ANNOTATED CODE OF MARYLAND LATEST EDITION, AS FAR AS IT CONCERNS THE MARKING OF THE PLACES AND THE SETTING OF THE MONUMENTS, HAVE BEEN COMPLIED WITH TO THE BEST OF OUR KNOWLEDGE.

TECHNICAL: PANDORA, PROFESSIONAL LAND SURVEYOR - MD LIC. #1253 DATE \_\_\_\_\_

DR. REY SANDERS, DIRECTOR OF FACILITIES MANAGEMENT PENINSULA REGIONAL MEDICAL CENTER DATE \_\_\_\_\_

GENERAL NOTES

1. CITY OF SALISBURY UTILITY EASEMENTS SHALL BE RESERVED FOR FUTURE USE BY THE CITY AT ALL TIMES TO THE CITY FOR CITY UTILITY INSTALLATION. RECORDS, DRAWINGS OR OTHER PUBLIC USES, WHICH MAY BE DETERMINED BY THE DIRECTOR OF PUBLIC WORKS AND SHALL BE MAINTAINED BY THE PROPERTY OWNER. NO STRUCTURES, IMPROVEMENTS, TREES OR OTHER PLANTINGS OR THE PLACEMENT OF ANY MARKING OTHER THAN DALLS CAN BE MADE IN OR ON THE CITY OF SALISBURY UTILITY EASEMENTS, INCLUDING IN THE AIR RIGHTS OVER THE EASEMENTS, WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF SALISBURY.
2. PRIVATE IRRIGATION LINES SHALL NOT BE INSTALLED IN CITY RIGHT-OF-WAYS OR EASEMENTS WITHOUT WRITTEN APPROVAL OF SALISBURY PUBLIC WORKS.
3. ALL MONUMENT UTILITIES, SUCH AS BUT NOT LIMITED TO, ELECTRIC, TELEPHONE, GAS AND C.A.S.I.V. SHALL BE METALLED OUTSIDE THE CITY OF SALISBURY UTILITY EASEMENTS. PERPENDICULAR CROSSINGS WILL BE ALLOWED.

PUBLIC WORKS CERTIFICATION

APPROVED: CITY OF SALISBURY DEPARTMENT OF PUBLIC WORKS CITY PROJECT: 000P UTILITY CONTRACT: 0000W  
 TERRISA GARDNER, P.E., DIRECTOR DATE \_\_\_\_\_

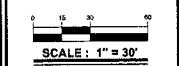
**BECKER MORGAN GROUP**  
 ARCHITECTURE ENGINEERING  
 DEPT.  
 309 S. Governors Ave.  
 Dover, DE 19904  
 Ph. 302.334.7650  
 Fax 302.734.7965  
 Salisbury  
 312 West Main St. Suite 300  
 Salisbury, MD 21801  
 Ph. 410.545.9100  
 Fax 410.545.8324  
 Wilmington  
 3305 Randall Parkway, Suite 211  
 Wilmington, North Carolina 28403  
 Ph. 910.341.7400  
 Fax 910.341.7500  
 www.beckermorgan.com

ISSUED: 04/09/2012  
 DESIGN: W. H. HARRIS  
 CHECKED: M. J. HARRIS  
 DATE: 04/09/2012  
 PROJECT NO.: 2004130.27  
 SHEET NO.: 15333  
 EXPIRATION DATE: 02/02/13

OUR EXPERIENCE MAKES YOUR EXPERIENCE BETTER  
**PENINSULA REGIONAL**  
 MEDICAL CENTER  
 Part of Peninsula Regional Health System  
 SURGERY ADDITION AND RENOVATION  
 SALISBURY, MARYLAND

100 EAST CARROLL STREET  
 CITY OF SALISBURY  
 WICOMICO COUNTY, MD  
 CAMDEN ELECTION DISTRICT

SHEET TITLE  
**EASEMENT ABANDONMENT PLAN**



ISSUE BLOCK	NO.	DATE	DESCRIPTION

PROJECT NO.: 2004130.27  
 DATE: 04/09/2012  
 SCALE: 1" = 30.0'  
 DRAWN BY: S.D.B. (PROJ. MGR.), J.A.H. (CADD)  
 TSET

EA-1

T:\000\CDP\plans\200413027\CDP\000413027\_PlanSet.dwg 10m 25, 2012 1:43:07

U.S. RO.  
(SOUTH SALIS.)

EXISTING HOSPITAL  
BUILDING

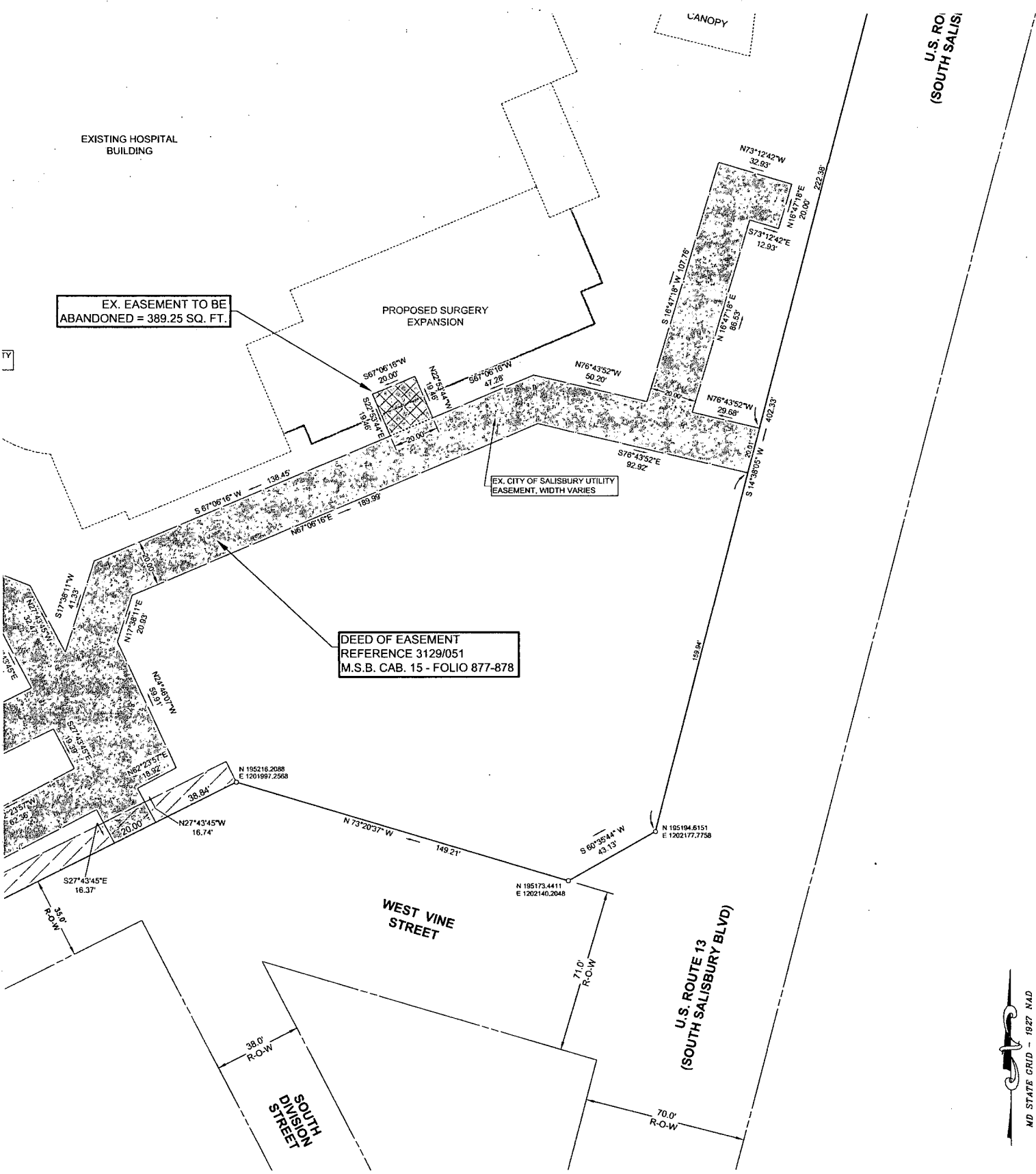
CANOPY

EX. EASEMENT TO BE  
ABANDONED = 389.25 SQ. FT.

PROPOSED SURGERY  
EXPANSION

DEED OF EASEMENT  
REFERENCE 3129/051  
M.S.B. CAB. 15 - FOLIO 877-878

EX. CITY OF SALISBURY UTILITY  
EASEMENT, WIDTH VARIES



MD STATE GRID - 1927 NAD

EXHIBIT B

QUITCLAIM DEED

THIS QUITCLAIM DEED made this \_\_\_\_ day of \_\_\_\_\_, 2012, by the CITY OF SALISBURY, a municipal corporation of the State of Maryland, Grantor, and PENINSULA REGIONAL MEDICAL CENTER, a Maryland, not for profit corporation, Grantee, witnesseth:

WHEREAS, the CITY OF SALISBURY desires to abandon and terminate all of its rights, title, and interest, in and to a certain easement area on the lands now owned by the Grantee; and, has for that purpose duly adopted on the \_\_\_\_ day of \_\_\_\_\_, 2012, City of Salisbury, Ordinance No. \_\_\_\_\_.

NOW, THEREFORE, IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good, valuable and sufficient considerations in hand paid, receipt of which is hereby acknowledged, Grantor does hereby QUITCLAIM and RELEASE unto PENINSULA REGIONAL MEDICAL CENTER, its successors and assigns, all of its rights, title, and interest in and to all that real property situate and lying in the City of Salisbury, Camden Election District, Wicomico County, Maryland as shown and more particularly described and delineated as "EX. EASEMENT TO BE ABANDONED = 389.25 SQ. FT." on a plat entitled "Peninsula Regional Medical Center - Easement Abandonment Plan", dated April 9, 2012, prepared by Becker Morgan Group, and recorded among the Plat Records of Wicomico County, Maryland, in Plat Cabinet M.S.B. No. \_\_\_\_\_, Folio \_\_\_\_\_.

TOGETHER with the improvements thereon and all the rights, ways, roads, privileges, appurtenances and advantages thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the above described property unto the PENINSULA REGIONAL MEDICAL CENTER, its successors and assigns, forever.

REFERENCE to the aforesaid said deeds and Plats and to the references contained therein, is hereby made for a more particular description of the property hereby conveyed or for any other purpose, to the same extent as if more fully set forth.

AS WITNESS the hands and seals of the parties hereto the day and year first above written.

ATTEST:

City of Salisbury, a Municipal Corporation

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
James P. Ireton, Jr., Mayor (SEAL)

STATE OF MARYLAND, COUNTY OF WICOMICO, TO-WIT:

I HEREBY CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 2012, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared James P. Ireton, Jr., Mayor of the City of Salisbury, a body corporate as aforesaid, and that he, as such officer, being authorized so to do, executed the foregoing Deed of Easement Abandonment for the purposes therein contained on behalf of said corporation, and further, certified that this conveyance is not part of a transaction in which there is a sale or other transfer or disposition of all or substantially all of the assets of said corporation.

AS WITNESS my hand and Notarial Seal.

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

My Commission Expires:

\_\_\_\_\_

I HEREBY CERTIFY that I am an attorney admitted to practice before the Court of Appeals of Maryland, and that the foregoing instrument was prepared under my supervision.

\_\_\_\_\_  
Richard M. Duvall