

ORDINANCE NO. 2229

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO CLOSE AND ABANDON AN AREA OF LAND BEING THE UNIMPROVED ROADBEDS OF ASCENSION DRIVE AND CENTURION DRIVE AND THE EASEMENTS THAT ADJOIN SAID ROADBEDS, LOCATED IN BEAGLIN CROSSING BUSINESS PARK IN THE CITY OF SALISBURY, PARSONS ELECTION DISTRICT, WICOMICO COUNTY, STATE OF MARYLAND.

WHEREAS, Ascension Drive and Centurion Drive and their adjoining easement areas shown on the subdivision plat entitled "Beaglin Crossing Business Park", dated November 7, 2006 and recorded among the Land Records of Wicomico County, Maryland, in Plat Cabinet M.S.B. 15, Folio 584 were never opened or paved by the City of Salisbury, such areas being more particularly described as the hatched 1.26 acres plus or minus "Street Area To Be Closed" and the cross hatched "10' Wide City Utility Easement To Be Closed" on Exhibit "A"; and

WHEREAS, the City of Salisbury Department of Public Works has determined that the aforementioned area of land has never been used by the public, is unimproved and unpaved, and the City believes it is in the best interest of the City to close such area and deed it to the adjoining property owner; and

WHEREAS, the owner of all land adjoining the hatched portion of Ascension Drive and Centurion Drive is East Salisbury Land Investment, LLC; and

WHEREAS, the City of Salisbury has determined to abandon the aforementioned property as it is of no value; 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; and

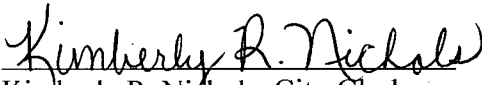
WHEREAS, East Salisbury Land Investment, LLC has prepared and the City Solicitor has reviewed the proposed quitclaim deed to release the unneeded roadbed and utility easement area, a copy of which is attached hereto as Exhibit "B".

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

1. That the City of Salisbury hereby abandons the 1.26 acre roadbed area of Ascension Drive and Centurion Drive and the 10' wide City utility easements adjoining said streets as shown on the aforementioned Exhibit "A"; and
2. That the Mayor of the City of Salisbury is hereby authorized to execute the attached Exhibit "B" to convey to East Salisbury Land Investment, LLC, all of the City's right, title and interest in the abandoned roadway and utility easement areas.

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 14th day of January, 2013, 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 28th day of January, 2013.



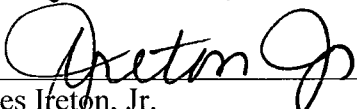
Kimberly R. Nichols, City Clerk



Terry E. Cohen, Council President

Approved by me, this 31st

day of January, 2013.



James Ireton, Jr.
Mayor of the City of Salisbury

STREET AREA TO BE CLOSED



1.26 ACRES +/-

EXHIBIT "A"

10' WIDE CITY UTILITY EASEMENT
TO BE CLOSED

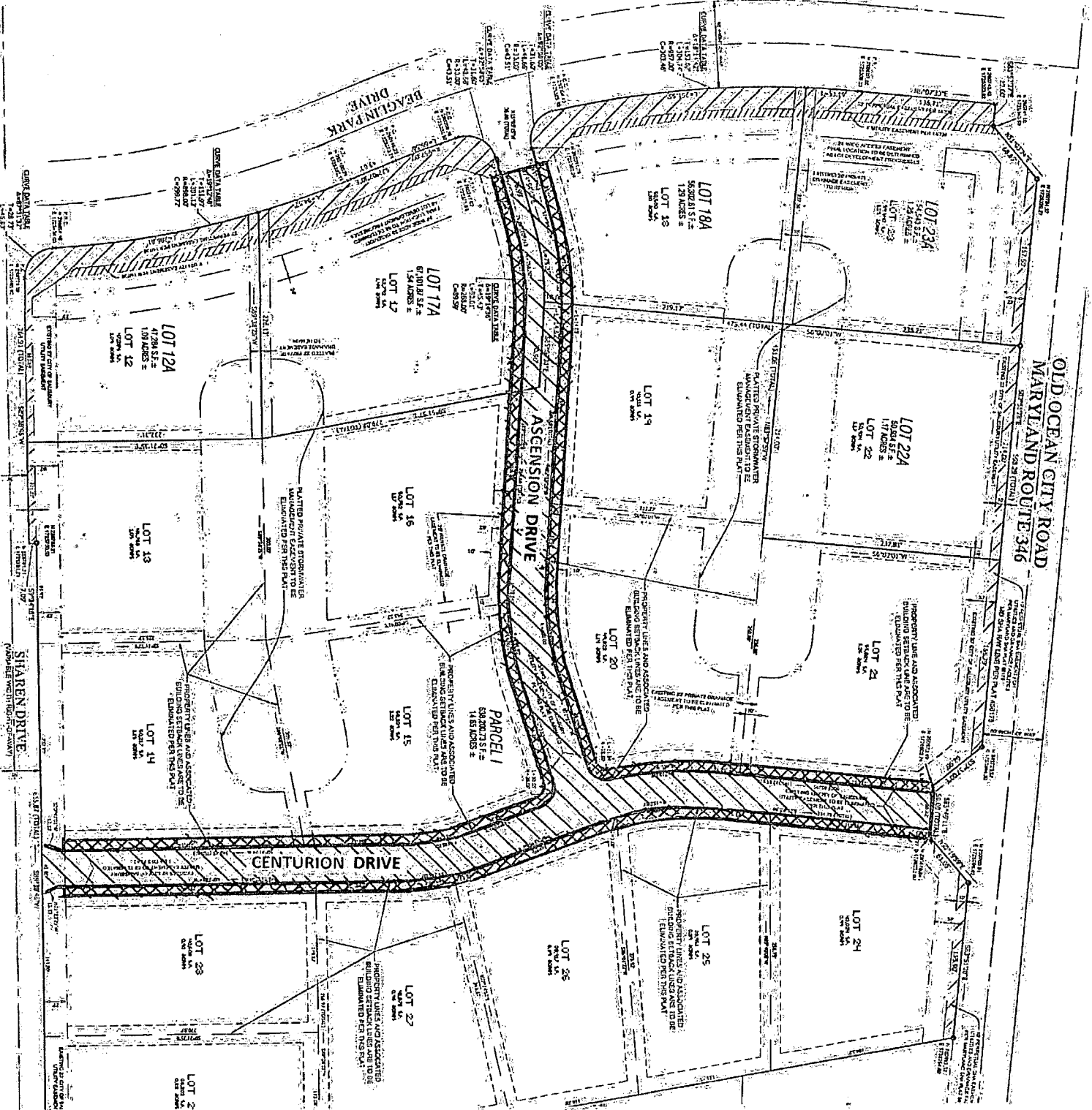


Exhibit "B"

QUIT CLAIM DEED

THIS QUITCLAIM DEED, made this _____ day of _____ in the year Two Thousand and _____ by the CITY OF SALISBURY, a municipal corporation of the State of Maryland, Grantor, WITNESSETH THAT:

WHEREAS, by Ordinance No. _____ passed at a meeting of the Council of the City of Salisbury on the _____ day of _____, 20____, the City of Salisbury closed and vacated the unopened and unimproved public streets known as Ascension Drive and Centurion Drive approximately 36 feet in width shown on the subdivision plat entitled "Beaglin Crossing Business Park" Subdivision of Parcel 2A, 2B, 2D and 2E "Collector Road Right-of-Way for the City of Salisbury" Parsons Election District, Wicomico County, Maryland", dated November 7, 2006 and recorded among the Land Records of Wicomico County, Maryland, in Plat Cabinet MSB No. 15 Folio 584, such area being more particularly described as "Hatched Area Indicates Area of Ascension Drive & Centurion Drive to be Abandoned Total Area = 55,069.33 Sq. Ft." on a plat entitled "Resubdivision Plat of Lots 12-29 Beaglin Crossing Business Park", dated June 22, 2012 by Parker & Associates, Inc. and intended to be recorded simultaneously herewith and being the land that was granted and conveyed to the City of Salisbury as the beds of Ascension Drive and Centurion Drive by East Salisbury Land Investment, LLC, a Maryland limited liability company, and East Salisbury Land Holdings, LLC, a Maryland limited liability company, by deed dated October 16, 2007, recorded among the aforesaid Land Records in Liber 2923, folio 547; and

WHEREAS, the City of Salisbury is, by Ordinance No. _____, authorized to convey to East Salisbury Land Investment, LLC, a Maryland limited liability company, all of the City's right, title and interest in and to the unopened Ascension Drive and Centurion Drive and related easements, in the manner described above.

NOW, THEREFORE, for and in consideration of the sum of Zero Dollars (\$0.00) and other good, valuable and sufficient considerations, receipt of which is hereby acknowledged, the

CITY OF SALISBURY does hereby grant, convey, release, assign and quitclaim unto EAST SALISBURY LAND INVESTMENT, LLC, a Maryland limited liability company, its successors and assigns, the following described property:

ITEM ONE: All that street, parcel or lot of land situate, lying and being in the City of Salisbury, Parsons Election District, Wicomico County, State of Maryland depicted on the Plat as "Centurion Drive", being essentially a thirty-six foot (36') wide strip, said strip being more particularly shown, designated and described by courses and distances on the Plat, which is herein incorporated by reference.

ITEM TWO: All that street, parcel or lot of land situate, lying and being in the City of Salisbury, Parsons Election District, Wicomico County, State of Maryland depicted on the Plat as "Ascension Drive", being essentially a thirty-six foot (36') wide strip, said strip being more particularly shown, designated and described by courses and distances on the Plat, which is herein incorporated by reference.

AND THE CITY OF SALISBURY further grants, conveys, releases, assigns and quit claims unto the EAST SALISBURY LAND INVESTMENT, LLC, a Maryland limited liability company, all permanent and perpetual easements for the installation of utilities related thereto, including, but not limited to, water mains and sanitary sewers (hereinafter the "Easements"), which Easements are described on the aforesaid plat entitled "Resubdivision Plat, of Lots 12-29 Beaglin Crossing Business Park" as "Existing 10' City of Salisbury Utility Easement to be Eliminated Per This Plat" located on both sides of and adjoining Ascension Drive and Centurion Drive.

REFERENCE to the aforesaid deed and Plat and all prior deeds to and plats of the above property is hereby made for a more definite description of the property hereby granted and conveyed, or for any other purpose, to the same extent as though herein more fully set forth.

TOGETHER WITH the buildings and improvements thereon and all the rights, ways, alleys, waters, roads, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto the said East Salisbury Land Investment, LLC, a Maryland limited liability company, its successors and assigns, forever in fee simple.

AS WITNESS the hand and seal of the said City of Salisbury the day and year first above written.

TEST

CITY OF SALISBURY

Kimberly R. Nichols, Clerk

By: James P. Ireton, Jr., Mayor

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 20__, before me, the subscriber, a Notary Public for the state and county aforesaid, personally appeared JAMES P. IRETON. Jr., Mayor of the City of Salisbury, who acknowledged the foregoing deed to be its act and deed.

AS WITNESS my hand and Notarial Seal.

(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 the foregoing instrument was prepared under my supervision.

City of Salisbury



MARYLAND



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

TERESA GARDNER, P.E.
DIRECTOR OF PUBLIC WORKS

JAMES IRETON, JR.
MAYOR

JOHN R. PICK
CITY ADMINISTRATOR

LORÉ L. CHAMBERS
ASSISTANT CITY ADMINISTRATOR

To: John Pick, City Administrator

From: Teresa Gardner, Director of Public Works

Date: December 17, 2012

Re: Closing of Unimproved Ascension Dr., Centurion Dr. and the Adjacent 10' Wide City of Salisbury Utility Easements

East Salisbury Land Investment, LLC has requested that the City of Salisbury close Ascension Drive, Centurion Drive and the 10' wide City utility easements that adjoin both sides of each street. The City is also requested to release all of its rights, title and interest, in and to the abandoned roadways and easement areas to East Salisbury Land Investment, LLC. Ascension Dr. and Centurion Dr. are both unopened unimproved paper streets lying in "Beaglin Crossing Business Park", a platted but undeveloped subdivision lying on the easterly side of Beaglin Park Drive between Sharen Drive and Old Ocean City Road. Mr. Blair Rinnier, of East Salisbury Land Investment, LLC is planning to combine thirteen of the existing lots in the undeveloped business park into one parcel for an apartment project to be known as "Ocean Aisle" as shown on the attached Ocean Aisle Comprehensive Development Plan. Ascension Dr. and Centurion Dr., as platted will no longer be needed as the apartments will be served by private access aisles, maintained by the development. The 1.26 acre roadway area and adjoining easements to be abandoned are shown on Exhibit "A" of the attached ordinance.

The Department of Public Works has determined that the roadways and easements proposed for abandonment and shown on the ordinance attachment are unimproved, contain no City utilities and exist only on paper. No public roadways or mains would be affected by this closure.

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.



528 RIVERSIDE DRIVE
SALISBURY, MD 21801
PHONE: 410-749-1023
FAX: 410-749-1012
WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING CIVIL ENGINEERING • LAND PLANNING FORESTRY SERVICES

Mayor's Office, City of Salisbury
Attn: John Pick
Government Office Building
125 N. Division Street
Salisbury, MD 21801-4940

10-01-12

Ref: Petition for Road Closure, Ocean Aisle Apartments (formerly Beaglin Crossing Subdivision)

Dear John,

On behalf of the owner of the referenced property, I would like to formally and respectfully request that the interior City of Salisbury roadbeds and City of Salisbury Utility Easements be vacated and transferred back to the property owner. Since the original Beaglin Crossing project was recorded in 2007, the roads have not been constructed and, likewise, the easements were never utilized.

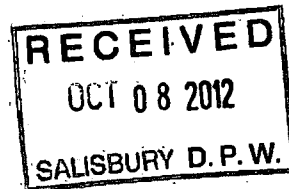
Mr. Rinnier has decided to alter the development plan from the recorded fee simple commercial park to a full-fledged apartment project. This apartment project is permitted by the underlying zoning code and has recently received a preliminary approval from the Planning Commission, subject to the roads being closed. The roads are simply not needed any longer, as the Ocean Aisle apartment project is to be served by private access Aisles, which will be maintained by the development at no cost to the City. Any new City of Salisbury utility easements will be re-dedicated to the City for its use as the development plans progress. Therefore, in order to facilitate the approvals of the Ocean Aisle apartment project, we need to restore the parcel to its unencumbered state, by removing all fee simple road beds, lots, and utility easements. The enclosed plat illustrates that intent, to return the entirety of the interior lots to one single unencumbered parcel.

As you might imagine, the developer of this project wishes to bring this project to market as quickly as possible. Therefore, we would appreciate the City's and the City Council's consideration of this request as expeditiously as can be possible. Therefore, as you move forward with this request, if I can be of any service to you what so ever, please do not hesitate to let me know how. Further, I am authorized to make this request and hereby guarantee payment of any fees associated with this process.

I will look forward to hearing from you and working with you in this endeavor.

Sincerely,

Brock E. Parker, P.E., R.L.S.
Vice President, Parker and Associates



97-013



LAND USE SUMMARY

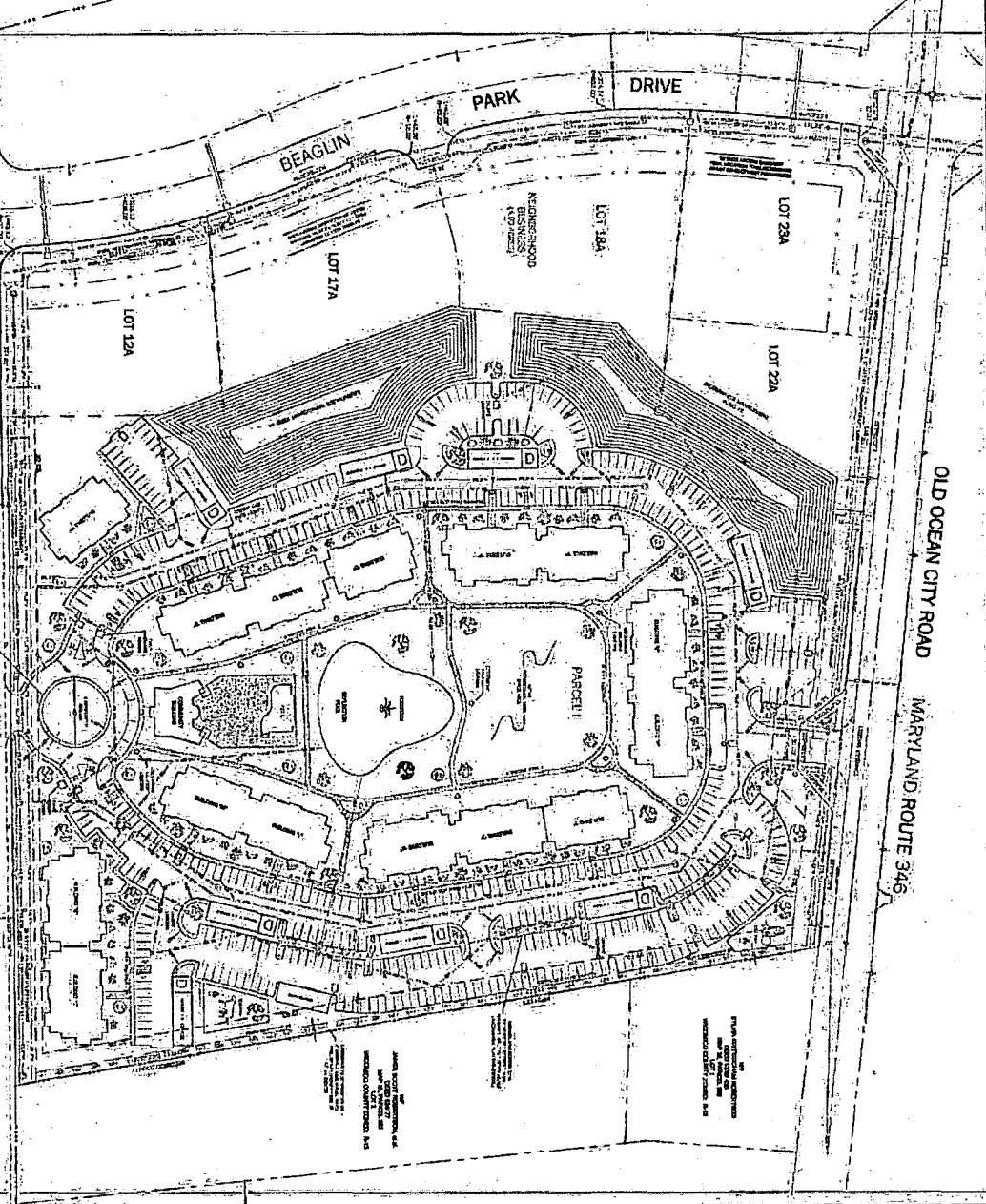
THIS SUMMARY IS A SUMMARY OF THE LAND USES SHOWN ON THE PRELIMINARY DEVELOPMENT PLAN. IT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE LAND USES SHOWN ON THIS SUMMARY ARE SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF TRANSPORTATION. THE LAND USES SHOWN ON THIS SUMMARY ARE SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF TRANSPORTATION.

LEGEND

- 1. CONCRETE DRIVEWAY
- 2. ASPHALT DRIVEWAY
- 3. ASPHALT DRIVEWAY WITH CURB
- 4. ASPHALT DRIVEWAY WITH CURB AND SIDEWALK
- 5. ASPHALT DRIVEWAY WITH CURB AND SIDEWALK AND BIKEWAY
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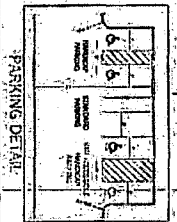
GENERAL NOTES

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF TRANSPORTATION.
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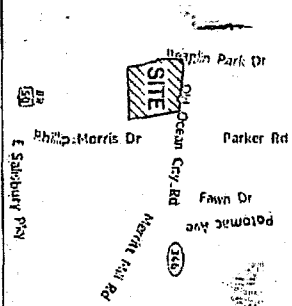


MATERIALS REQUIREMENTS

LANDSCAPING LEGEND



VICINITY MAP SCALE 1" = 1000'



PARKING NOTES

PRELIMINARY

COMPREHENSIVE DEVELOPMENT PLAN
OCEAN AISLE

BEAGLIN/SHAREN OLD OC ROAD
 FIC. EISENBERG CIVIL ENGINEERS
 SALISBURY ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND

DATE: 07/05/2012

SHEET 1 OF 1