

**ORDINANCE No. 2295**

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND GRANTING A UTILITY EASEMENT TO WICOMICO COUNTY, MARYLAND ACROSS CITY OWNED PROPERTY ALONG BEAGLIN PARK DRIVE AT SHAMROCK DRIVE IN SALISBURY, MARYLAND.

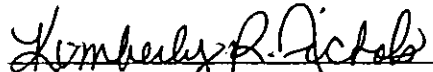
WHEREAS, Wicomico County, Maryland has requested that the City grant a utility easement for a domestic water well as described in the attached Deed of Easement and illustrated on the attached Utility Easement Drawing.

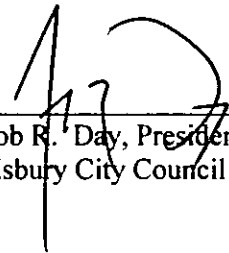
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the City of Salisbury is authorized to grant unto Wicomico County, Maryland, a utility easement for a domestic water well and that that Mayor is authorized to execute the Deed of Easement.

BE IT FURTHER ORDAINED that this ordinance shall take effect from the date of its final passage.

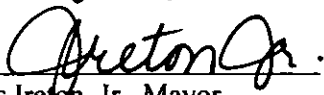
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 23 day of June, 2014, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 14 day of July, 2014.

ATTEST

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

  
\_\_\_\_\_  
Jacob R. Day, President  
Salisbury City Council

Approved by me this 15<sup>th</sup>  
day of July, 2014

  
\_\_\_\_\_  
James Ireton, Jr. Mayor

## DEED OF EASEMENT

THIS DEED OF EASEMENT, made this 21<sup>st</sup> day of July, 2014 by the City of Salisbury, a municipal corporation of the State of Maryland, hereinafter called "Grantor" and Wicomico County, Maryland, a body corporate and politic of the State of Maryland, hereinafter called "Grantee."

WHEREAS, there is a domestic water well located in a right-of-way owned by Grantor located on the southerly side of Parcel 354, Tax Map 38, and on the northerly side of Beaglin Park Drive and being more particularly shown on a plat entitled "Utility Easement Drawing to benefit Lot 15, Block B Rich-Mar Acres Subdivision".

WHEREAS, the domestic water well complies with the regulations of the State of Maryland and is deemed to be of adequate capacity to supply a single family dwelling located on Parcel 354, Tax Map 38, with water for all domestic uses of a single family residing therein.

WHEREAS, Grantee finds it necessary to acquire a Deed of Easement for a permanent and perpetual easement for the purpose of the continuous and satisfactory operation and maintenance of said water well for the benefit of the residential property known as 139 Shamrock Drive, Salisbury, Maryland, also identified as Parcel 354, Tax Map 38.

NOW, THEREFORE, THIS DEED OF EASEMENT WITNESSETH that for and in consideration of Zero Dollars in hand, receipt of which is acknowledged, Grantor does hereby grant and convey unto Wicomico County, Maryland, a body corporate and politic of the State of Maryland, its successors and assigns, a permanent and perpetual easement for the placement, maintenance, construction, reconstruction, repair and upkeep of a domestic water well, over, under, across and through the following described property:

All that piece or parcel of land situate, lying and being in the City of Salisbury, Wicomico County, Maryland, and being a 14' x 24' rectangular parcel adjoining the southerly line of Lot 15, Block B in the Rich-Mar Acres subdivision, containing 336 square feet and being more particularly shown and described as "Wicomico County, Maryland Utility Easement" on a plat entitled "Utility Easement Drawing to benefit Lot 15, Block B Rich-Mar Acres Subdivision," attached hereto as Exhibit A.

AND BEING part of the same property conveyed unto the City of Salisbury, Maryland, a municipal corporation of the State of Maryland, by Deed dated October 15, 2004, from Wicomico County, Maryland, a body corporate and politic of the State of Maryland, and recorded among the Land Records of Wicomico County, Maryland in Liber 2311, Folio 464.

TOGETHER with the right of ingress, egress and regress over the property of Grantor for the purposes of necessary construction, repair, maintenance and inspection and/or removal of the domestic water well, provided, however that the Grantee shall restore the surface of Grantor's property to its original condition upon completion of the said construction, repair, maintenance, inspection and/or removal.

AND Grantor further covenants that it will not construct any structural improvements, tree or shrub planting or placement of any landscaping other than grass in or on the easement area including in the air rights over the easement hereby conveyed without the prior written consent of Grantee.

TO HAVE AND HOLD the above granted easement unto Wicomico County, Maryland, its successors and assigns, absolutely, forever for the uses and purposes set forth herein.

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

AND the Grantor does covenant that it has not done nor suffered to be done anything to encumber the property, easement and/or rights hereby conveyed and it will execute such other and further assurances of the same as may be requisite.

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

ATTEST:

CITY OF SALISBURY, MARYLAND

Kimberly R. Nichols

BY: James Ireton, Jr.  
James Ireton, Jr., Mayor  
Grantor

ATTEST:

WICOMICO COUNTY, MARYLAND

Richard M. Pollitt, Jr.

BY: Richard M. Pollitt, Jr.  
Richard M. Pollitt, Jr.  
County Executive

STATE OF MARYLAND, WICOMICO COUNTY, TO WIT:

I HEREBY CERTIFY that on this 15 day of July, 2014, before me, the subscriber, a Notary Public, in and for the state and county aforesaid, personally appeared James Ireton, Jr, who acknowledged himself to be the Mayor of the City of Salisbury, and that he, as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of City of Salisbury, Maryland by himself as Mayor and certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange, or other transfer of all or substantially all of the property and assets of the City of Salisbury, Maryland.

AS WITNESS my hand and Notarial Seal

Donna S Haag  
Notary Public

Donna S Haag  
NOTARY PUBLIC  
Wicomico County, Maryland  
My Commission Expires 12-29-2014

My Commission Expires: 12-29-2014

STATE OF MARYLAND, WICOMICO COUNTY, TO WIT:

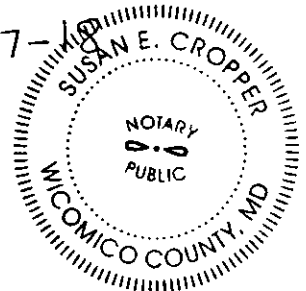
I HEREBY CERTIFY that on this 21<sup>st</sup> day of July, 2014, before me, the subscriber, a Notary Public, in and for the state and county aforesaid, personally appeared Richard M. Pollitt, Jr., who acknowledged himself to be the County Executive, of Wicomico County, Maryland, and that he, as such County Executive, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of Wicomico County, Maryland as County Executive.

AS WITNESS my hand and Notarial Seal.

Susan E. Cropper

Notary Public

My Commission Expires: 3-17-16



I HEREBY CERTIFY that the foregoing Deed of Easement was prepared by or under the supervision of an attorney licensed to practice law in the State of Maryland.

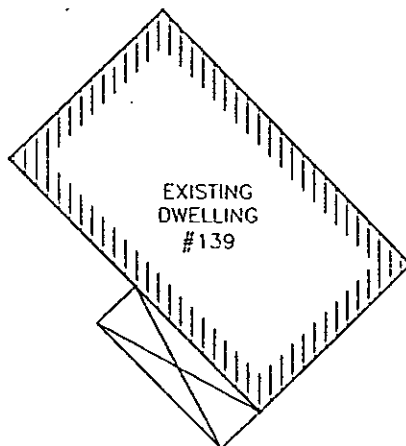
Edgar A. Baker, Jr.

Edgar A. Baker, Jr.

NO TITLE SEARCH REQUESTED OR PERFORMED

**LOT 15**  
BLOCK "B"

"RICH-MAR ACRES" SUBDIVISION  
WICOMICO COUNTY, MARYLAND  
DEED REF. 1643/428  
PLAT REF. 693/39  
PLAT REF. 14/246



C1 DATA  
L=31.42'  
R=818.00'  
Δ=02°12'02"  
C LEN=31.42'  
BRG=N 77°50'47" W

RECORD PLAT NORTH (PLAT 693/39)

SHAMROCK DRIVE  
40' R.O.W.

N 14°26'32" W 89.17'

34.93'

C1



N 76°44'46" W 127.47'  
108.68'

WICOMICO COUNTY,  
MARYLAND UTILITY  
EASEMENT  
336 SQ. FT.

BEAGLIN PARK DRIVE  
140' R.O.W.

CURB & GUTTER

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 76°44'46" E	14.00'
L2	S 13°15'14" W	24.00'
L3	N 76°44'46" W	14.00'
L4	N 13°15'14" E	24.00'



PUBLIC WORKS APPROVAL

SALISBURY PUBLIC WORKS DIRECTOR

DATE

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS DOCUMENT WAS PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 12118, EXPIRATION DATE: JAN. 2016.

*Steven W. Fuller*

STEVEN W. FULLER  
PROFESSIONAL LAND SURVEYOR

*2/11/2014*

DATE

UTILITY EASEMENT DRAWING  
TO BENEFIT  
LOT 15, BLOCK "B"  
"RICH-MAR ACRES" SUBDIVISION  
PARSONS ELECTION DISTRICT  
WICOMICO COUNTY, MARYLAND

1328 East Market Street  
PO Box 416  
Georgetown, DE 19947  
T. 302.297.9215  
www.solutionsipem.com  
Copyright © 2013

Drawn by: BMH

Job No.: 2013-057

Scale: 1" = 20'

Date: 01/16/2014

Sheet 1 of 1

**solutions**  
Integrated Planning  
Engineering & Management, LLC

**Fuller Hall**  
& ASSOCIATES, INC.  
A Wholly Owned Subsidiary

# City of Salisbury



**MARYLAND**



JAMES IRETON, JR.  
*MAYOR*

M. THOMAS STEVENSON, JR.  
*CITY ADMINISTRATOR*

TERENCE ARRINGTON  
*ASSISTANT CITY ADMINISTRATOR*

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

MICHAEL S. MOULDS, P.E.  
*DIRECTOR OF PUBLIC WORKS*

To: Tom Stevenson, City Administrator  
From: Mike Moulds, Director  
Date: May 22, 2014  
Re: Utility Easement for Wicomico County

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Wicomico County approached the City of Salisbury regarding the need for a utility easement for a domestic water well. The well for 139 Shamrock Drive is located within the City's right of way for Beaglin Park Drive. The property is currently owned by the County. The County is seeking a perpetual easement for the well. The County is in the process of selling the property but cannot do so without providing a perpetual easement for the well.

There are two existing wells located in the proposed easement. One well is active and the other is abandoned. The existing wells are located adjacent to the proposed Northeast Collector Hike and Bike trails. The design of the trail was not impacted by the well location.

The County prepared the attached Deed of Easement and Utility Easement Drawing.

Unless you or the Mayor have further questions, please forward a copy of this memo, the deed of easement and the ordinance to the City Council.

MEMORANDUM

TO: Amanda Polk - City of Salisbury Public Works  
FROM: Laura Hurley - Wicomico County Department of Law  
DATE: April 4, 2014  
SUBJECT: Deed of Easement

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It would be appreciated if you could have Mayor James Ireton, Jr. sign the attached Deed of Easement in front of a notary public and then forward the original back to my office.

If you have any questions, please let me know.

/ljh

Enclosure