

**ORDINANCE 2297**

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND SUPPLEMENTING A RIGHT OF WAY AGREEMENT WITH DELMARVA POWER & LIGHT COMPANY ACROSS CITY OWNED PROPERTY BETWEEN NORTH PARK DRIVE AND SOUTH PARK DRIVE IN SALISBURY, MARYLAND.

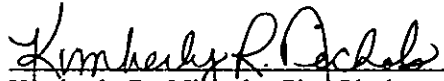
WHEREAS, Delmarva Power has requested that the City enter into a Supplemental Right of Way Agreement, attached hereto, that allows Delmarva Power the right to construct, operate and maintain underground infrastructure in addition to the rights currently provided in its existing Deed of Easement recorded among the Land Records of Wicomico County, Maryland in Liber 459, Folio 418 and attached hereto.


NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the City of Salisbury allows Delmarva Power & Light Company to construct, operate and maintain overhead and underground infrastructure within Delmarva's existing easement area and that the Mayor is authorized to execute the Supplemental Right of Way Agreement.

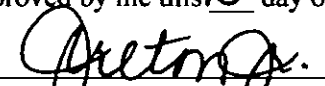
BE IT FURTHER ORDAINED that this ordinance shall take effect from the date of its final passage.

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

## SUPPLEMENTAL RIGHT OF WAY AGREEMENT

This Supplemental Right of Way Agreement is made this 15 day of July, 2014, by and between The City of Salisbury, a Municipal Corporation of the State of Maryland ("Grantor") and Delmarva Power & Light Company ("Delmarva"), a corporation of the State of Delaware and the Commonwealth of Virginia, for itself, its lessees, successors, and assigns.

Whereas, Grantor is the owner of lands located in Wicomico County, State of Maryland, as described in two (2) deeds recorded among the Land Records of Wicomico County in Liber 405, Folio 196 and Liber 412, Folio 378 ("Grantor's Land") that are the subject of a Right of Way Agreement recorded among the Land Records of Wicomico County in Liber 459, Folio 418 ("Right of Way Agreement");

Whereas, Delmarva is a successor of the Eastern Shore Public Service Company of Maryland, which was granted a right of way, privilege and easement ("Right of Way"), to construct, operate and maintain a line for the transmission and/or distribution of electricity in addition to other rights by the above-referenced Right of Way Agreement; and

Whereas, Delmarva has requested, and Grantor agrees to allow Delmarva to replace all or a portion of its infrastructure on, over, under, upon and across Grantor's Land for the purposes of the distribution of electricity to Delmarva service areas;

NOW WITNESSETH THAT, for and in consideration of the sum of ONE DOLLAR, (\$1.00), the receipt of which is hereby acknowledged, Grantor agrees to grant and convey to Delmarva, its lessees, successors, and assigns the following additional rights and privileges in the Right of Way while continuing the Right of Way Agreement in full force and effect:

To construct, operate, and maintain overhead and underground infrastructure inclusive of conduit, conductor, and the necessary appurtenances, with said infrastructure locations being further identified on Exhibit A attached hereto and made a part hereof, provided, however, that Delmarva shall restore the surface of the Grantor's property to its original condition upon completion of any said construction, operation and maintenance.

This Agreement is solely intended to afford Delmarva the additional rights as described above, in the location described on Exhibit A, and all other rights, terms and conditions of the Right of Way Agreement shall remain in full force and effect.

Grantor hereby certifies that the actual monetary consideration paid for this Amendment to Right of Way Agreement is ONE DOLLAR, (\$1.00).

WITNESS:

THE CITY OF SALISBURY

*Anna Deag*

By: *James Ireton Jr.*  
James Ireton, Jr., Mayor

STATE OF MARYLAND

COUNTY OF WICOMICO

BE IT REMEMBERED, that on the 15 day of July, 2014, personally came before me, a notary public, the within named authorized signing agent, James Ireton, Jr., Mayor, party to this Agreement who is known to me personally to be such or who presented satisfactory evidence of his identity as such, and acknowledged that he has voluntarily signed the Agreement for purposes stated within it.

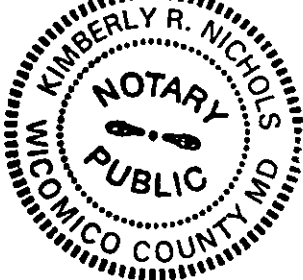
In witness hereof I hereunto set my hand and official seal.

*Kimberly R. Nichols*  
Notary Public

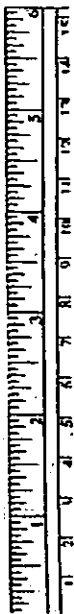
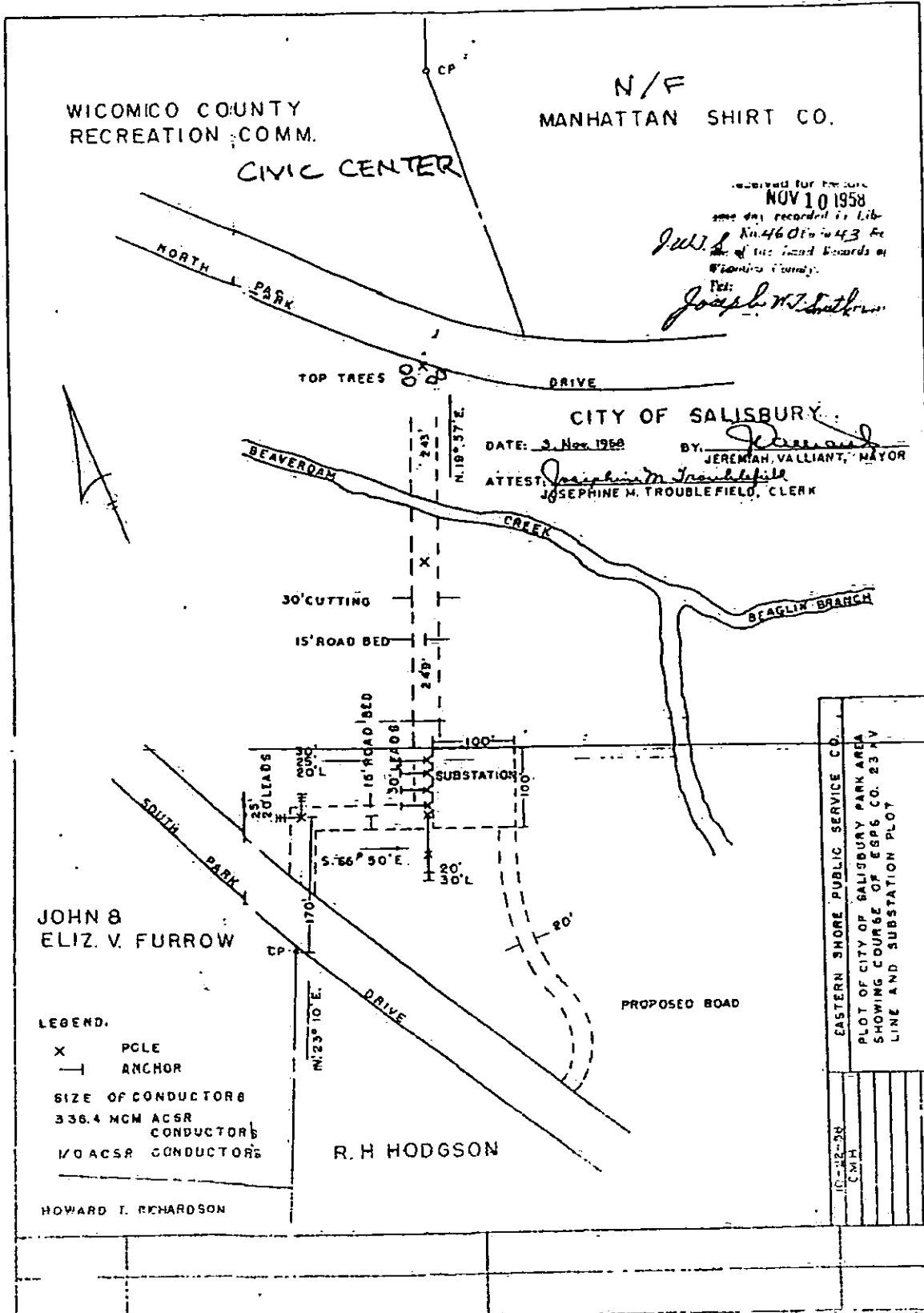
Print Name: Kimberly R. Nichols  
Notary Public

My commission expires the 5 day of March, 2018.

[Notary Seal/Stamp Here]



# Exhibit 'A'



DEED OF EASEMENT

THE CITY OF SALISBURY,  
A MUNICIPAL CORPORATION OF THE  
STATE OF MARYLAND,

TO

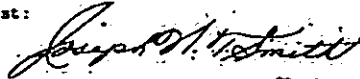
THE EASTERN SHORE PUBLIC  
SERVICE COMPANY OF MARYLAND,  
A BODY CORPORATE OF THE  
STATE OF MARYLAND

CAMDEN AND PARSONS  
ELECTION DISTRICTS

LIBER 459 PAGE 418

Received for record November 10, 1958,  
same day recorded in Liber J. W. T. S.  
No. 459, Folio's 418 and 419,  
one of the Land Records of Wicomico  
County.

Test:



Clerk

THIS DEED OF EASEMENT, Made this 27<sup>th</sup> day of October, A. D. 1958, by The City of Salisbury, a Municipal Corporation of the State of Maryland, witnesseth:

THAT FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, the said The City of Salisbury does hereby grant unto The Eastern Shore Public Service Company of Maryland, a body corporate of the State of Maryland, its successors and assigns, an easement in, over and upon the area hereinafter more particularly described, located in the new extension of the Municipal Park of The City of Salisbury, in Camden and Parsons Election Districts of Wicomico County and State of Maryland, for the purpose of constructing, operating and maintaining a 23KV electrical transmission and/or distribution line, and substation distribution center, including the right of ingress and egress over and along a roadway 20 feet wide extending from South Park Drive to the substation area hereinafter described, and the right of ingress and egress over a road 15 feet wide along the route of said transmission line, and the right to erect and maintain a total of eight (8) transmission poles and twelve (12) anchors at the places indicated in the easement area hereinafter described.

The area subject to the easements hereby granted is as shown on plat entitled "Plot of City of Salisbury Park Area Showing Course of ESPS Co. Proposed 23KV Line and Substation Plot", dated October 22, 1958, intended to be filed for record among the Land Records of said Wicomico County simultaneously herewith.

The City further grants unto the said The Eastern Shore Public Service Company of Maryland the right to cut and trim and keep clear all trees and other vegetation which might endanger said transmission line and substation.

The easements and rights hereby granted shall continue so long as the Grantee herein shall use the easement areas hereinbefore described for the purpose of transmitting and distributing electricity, provided, however, that after the expiration of twenty (20) years from the date hereof, The

REC 459 RE 419

City of Salisbury, may, at its election, require the removal of said transmission lines and substation to another suitable area, which said area is to be provided free of cost by the said The City of Salisbury, and which said other area shall be acceptable to the said The Eastern Shore Public Service Company of Maryland, it being understood, nevertheless, that the cost of relocating all electrical transmission and distribution facilities shall be borne by the said The Eastern Shore Public Service Company of Maryland.

AS WITNESS the Corporate Seal of the said The City of Salisbury, the signature of its Mayor, attested by the Clerk of Salisbury, the day and year first above written.



THE CITY OF SALISBURY

By Jeremiah Valliant  
Jeremiah Valliant, Mayor.

W. H. Field  
W. H. Field, Clerk.

STATE OF MARYLAND  
COUNTY OF WIDOMICO

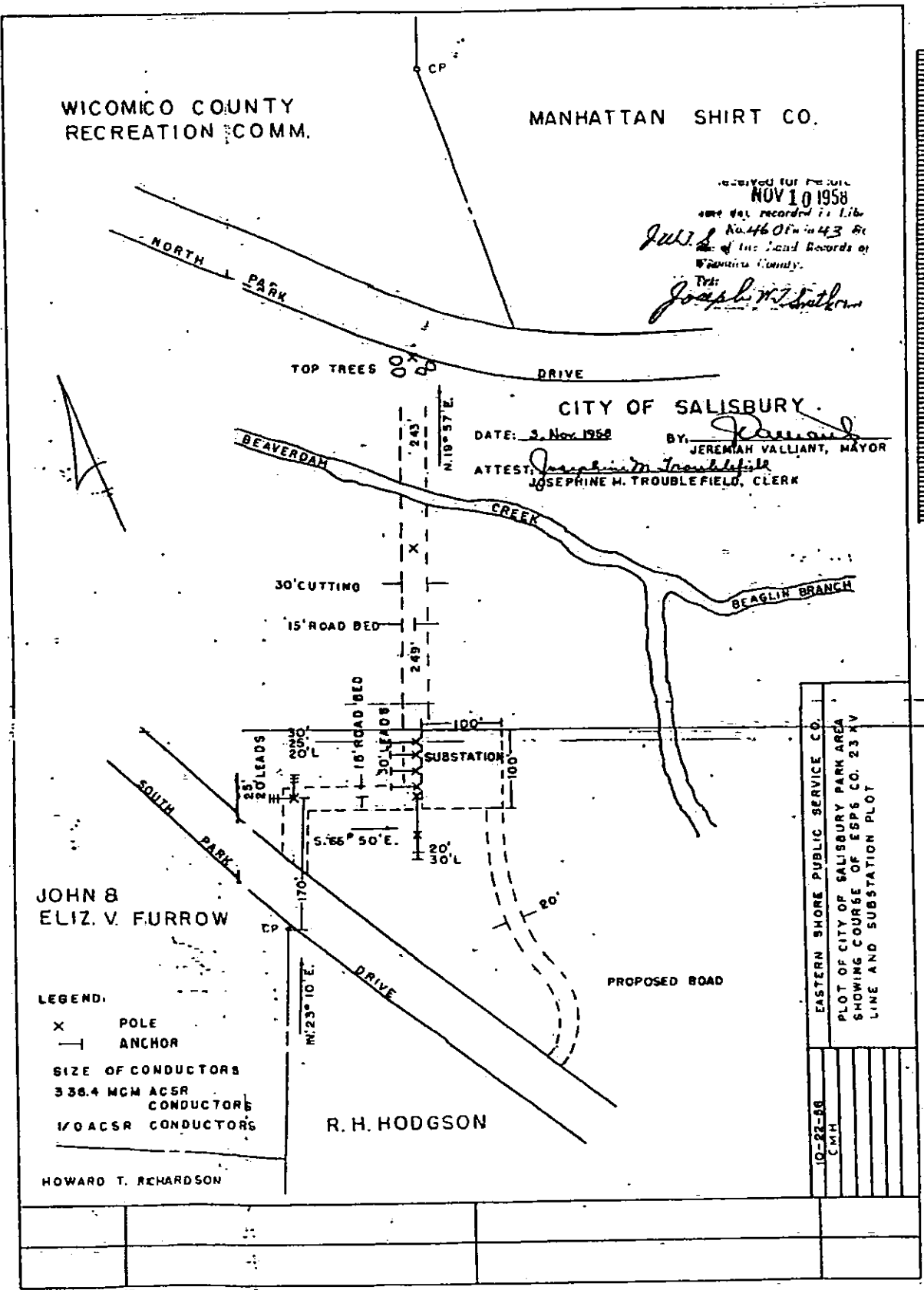
On this 27th day of October, A. D. 1958, before me, the undersigned officer, personally appeared Jeremiah Valliant, who acknowledged himself to be the Mayor of The City of Salisbury, a Municipal Corporation of the State of Maryland, and that he, as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by himself as Mayor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Etta G. Long  
Etta G. Long, Notary Public.

My Commission expires May 4, 1959.



WICOMICO COUNTY  
RECREATION COMM.

MANHATTAN SHIRT CO.

RECORDED FOR PUBLIC  
NOV 10 1958

and day recorded in Lib  
No. 460 in 43 Bk  
of the Land Records of  
Wicomico County.  
Per  
*Joseph M. Troublefield*

CITY OF SALISBURY

DATE: 3 Nov 1958 BY: *Jeremiah Valliant*  
JEREMIAH VALLIANT, MAYOR  
ATTEST: *Joseph M. Troublefield*  
JOSEPHINE M. TROUBLEFIELD, CLERK

JOHN &  
ELIZ. V. FURROW

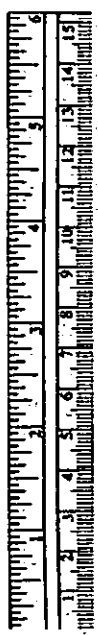
R. H. HODGSON

LEGEND:

- X POLE
- ANCHOR
- SIZE OF CONDUCTORS
- 338.4 MCM ACSR CONDUCTORS
- 1/0 ACSR CONDUCTORS

HOWARD T. RICHARDSON

EASTERN SHORE PUBLIC SERVICE CO.
PLOT OF CITY OF SALISBURY PARK AREA
SHOWING COURSE OF 23 KV
LINE AND SUBSTATION PLOT
10-22-58
CMH



# City of Salisbury



MARYLAND

Salisbury



2010

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: June 6, 2014  
Re: Delmarva Power & Light Co., Supplemental Right of Way Agreement

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Delmarva Power & Light Co. has approached the City of Salisbury regarding the need to amend a 1958 easement agreement between the City and Delmarva Power's predecessor, Eastern Shore Public Service Company of Maryland. The easement runs southerly across the City Park property from North Park Drive to South Park Drive along the easterly side of the Pony League field. The easement contains overhead power facilities. Delmarva Power plans to replace a portion of the overhead line with underground facilities, however the current right of way agreement does not provide for underground facilities.

Delmarva Power is requesting a supplemental right of way agreement to the existing easement agreement that allows for the installation of underground facilities. Delmarva Power has prepared the attached Supplemental Right of Way Agreement. A copy of the existing agreement is also attached for reference.

Unless you or the Mayor have further questions, please forward a copy of this memo, the Supplemental Right of Way Agreement and the ordinance to the City Council.





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Real Property Department  
2530 N. Salisbury Blvd.  
MS 29SC55  
Salisbury, MD 21801  
410-860-6406 phone  
410-860-6412 fax  
Lisa.Savage @Delmarva.com

May 13, 2014

City of Salisbury – Public Works  
125 N. Division Street  
Room 202  
Salisbury, MD 21801

Attention: Michael S. Moulds, P.E.

Re: Replacing a portion of a Delmarva overhead line with underground facilities on the Salisbury City Park property.

Dear Mr. Moulds,

Enclosed please find a Supplemental Right of Way Agreement and Exhibit "A" which pertains to existing overhead facilities that Delmarva currently has on City of Salisbury property, specifically, on a part of the City Park, east of Memorial Plaza.

Delmarva plans to replace a portion of the existing overhead line with underground facilities and the current Right of Way Agreement does not provide for the installation of underground facilities. Therefore, Delmarva respectfully requests a Supplement to the existing Right of Way Agreement to reflect the City's permission to install the underground.

Kindly advise the date of the City Council meeting relative to this request and whether Delmarva should attend the meeting in the event the Council has questions.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa A. Savage", written over a large, stylized circular flourish.

Lisa A. Savage  
Real Estate Representative