

**ORDINANCE NO. 2311**

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO ABANDON AN AREA OF LAND BEING THE IMPROVED ROADBED OF WAYNE STREET BETWEEN POWER STREET AND BATEMAN STREET.

WHEREAS, Wayne Street is shown on the plat entitled "Utility Easement Survey for City of Salisbury", dated June 13, 2012 and recorded among the Land Records of Wicomico County, Maryland, in Plat Cabinet 16, Folio 426; and

WHEREAS, the portion of Wayne Street to be abandoned contains 1.50 acres more or less and is more particularly described as the hatched area on Exhibit "A"; and

WHEREAS, the owner of all land adjoining the hatched portion of Wayne Street is the State of Maryland; and

WHEREAS, the adjoining lands are part of the Salisbury University East Campus which contains athletic facilities including the stadium and it is desirable for Salisbury University to modify the street to accommodate the stadium, as well as close the street during athletic events; and

WHEREAS, the City of Salisbury Department of Public Works has determined that it is in the best interest of the City to abandon the aforementioned area of land and deed it to the adjoining property owner; 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, the City of Salisbury Department of Public Works has prepared and the City Solicitor has reviewed the proposed quitclaim deed to release the roadbed, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, the Director of Public Works provided the City Council with a recommendation of the proposed road abandonment at the December 1, 2014 City Council work session.

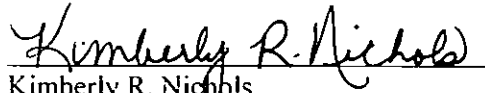
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND as follows:


1. That the City of Salisbury hereby abandons the 1.50 acres more or less of roadbed area of Wayne Street as attached on Exhibit "A", subject, however, to the reservation of an easement for utility purposes.
2. That in closing such public streets or ways, the City of Salisbury retains rights in the property. The transfer of the property is subject to the City having and retaining existing stormwater drainage patterns which shall remain unchanged unless altered in accordance with a plan approved by Salisbury Public Works and implemented at the expense of the property owner. The property is further subject to the reservation of easements for all underground public utilities.
3. That the Mayor of the City of Salisbury is hereby authorized to execute the attached Exhibit "B" to convey to the State of Maryland all of the City's right, title and interest in the abandoned roadway.

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 12 day of January, 2015, 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 26 day of January, 2015.

ATTEST

  
\_\_\_\_\_  
Kimberly R. Nichols  
CITY CLERK

  
\_\_\_\_\_  
Jacob R. Day  
PRESIDENT, City Council

Approved by me this 28<sup>th</sup> day of January, 2015


  
\_\_\_\_\_  
James Arton, Jr. Mayor



EXHIBIT B

THIS QUITCLAIM DEED, made this \_\_\_\_ day of \_\_\_\_\_, in the year Two Thousand and Fifteen, by the CITY OF SALISBURY, a municipal corporation of the State of Maryland, Grantor, and the STATE OF MARYLAND for the use of the UNIVERSITY SYSTEM OF MARYLAND on behalf of its constituent institution, SALISBURY UNIVERSITY, Grantee.

WHEREAS, by Ordinance No. 2311 passed at a meeting of the Council of the City of Salisbury, on the 28th day of January, 2015, the City of Salisbury closed and vacated a portion of a public street known as Wayne Street, being shown as a hatched area on a plat, entitled "Utility Easement Survey for City of Salisbury" dated June 13, 2012 and recorded among the Land Records of Wicomico County, Maryland, in Plat Cabinet 16, Folio 426, attached hereto; and

WHEREAS, the City of Salisbury was, by Ordinance No. 2311, authorized to convey to the STATE OF MARYLAND for the use of the UNIVERSITY SYSTEM OF MARYLAND on behalf of its constituent institution, SALISBURY UNIVERSITY, all of its right, title and interest, in and to that portion of Wayne Street, as shown in the hatched area on the plat attached hereto.

NOW, THEREFORE, THIS QUITCLAIM DEED WITNESSETH, that 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 said CITY OF SALISBURY does hereby grant, convey, release, assign and quitclaim unto the STATE OF MARYLAND for the use of the UNIVERSITY SYSTEM OF MARYLAND on behalf of its constituent institution, SALISBURY UNIVERSITY, its successors and assigns, the following described property: ALL

that lot or piece of ground situate, lying and being in Camden Election District, City of Salisbury, Wicomico County, State of Maryland, and being more particularly described as follows:

BEING all that portion of Wayne Street between Bateman Street and Power Street, containing 1.50 acres more or less, and being the hatched area shown on the plat attached hereto and made a part hereof.

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 STATE OF MARYLAND for the use of the UNIVERSITY SYSTEM OF MARYLAND on behalf of its constituent institution, SALISBURY UNIVERSITY, its successors and assigns, forever in fee simple. HOWEVER, the City of Salisbury reserves unto itself, its successors and assigns, a utility easement for the entire street bed, including, but not limited to the rights to install, maintain, continue, terminate or in any way deal with sewer lines, water lines, storm water lines, gas, electric, cable lines and other such utilities as the City may desire or may elect to permit to be assigned; and Grantor retains all air rights above the easement area.

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  
Kimberly R. Nichols, Clerk

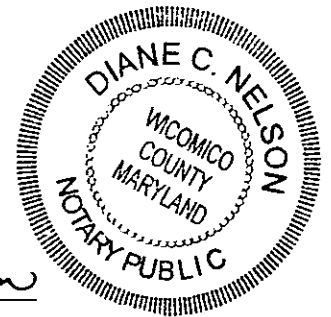
James P. Ireton, Jr.  
By: James P. Ireton, Jr., Mayor

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this 27<sup>th</sup> day of January, 2015, 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.

Diane C. Nelson  
Notary Public



My Commission Expires: 5-16-18

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.

S. Mark Tilghman  
S. Mark Tilghman, City Solicitor

# City of Salisbury



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

MARYLAND

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

TO: Tom Stevenson, City Administrator  
FROM: Mike Moulds, Director of Public Works  
DATE: December 10, 2014  
SUBJECT: Wayne Street Abandonment

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Per discussion at the December 1, 2014 City Council work session, Public Works is requesting consideration to abandon a portion of Wayne Street between Power Street and Bateman Street. The section of Wayne Street is surrounded by Salisbury University property, including the athletic stadium. Salisbury University is in the process of performing a significant upgrade to the stadium, which includes modifications in Wayne Street. As part of the stadium project, SU is proposing to eliminate parking and widen the sidewalk on the east side of Wayne Street, as well as modify bus parking and drop off areas.

With the proposed modifications, Public Works recommends consideration to abandon this section of Wayne Street so that the University can take ownership of the road and modify the parking and sidewalks to suit their immediate and future needs. For review, attached is a road abandonment ordinance, exhibit and quit claim deed. The ordinance and attachments have been reviewed by the City Attorney.

Unless you or the Mayor have further questions, please forward this to the City Council.