

ORDINANCE NO. 2414

AN ORDINANCE OF THE CITY OF SALISBURY FOR THE ABANDONMENT OF A PORTION OF AN EXISTING UTILITY EASEMENT ON PROPERTY OWNED BY VILLAGE OF HOPE, INC. AT THE HOMES ON JOHNSONS POND, 1001 LAKE STREET, SALISBURY ELECTION DISTRICT, WICOMICO COUNTY, STATE OF MARYLAND.

WHEREAS, Caritas, Inc. is listed, according to the records of the State Department of Assessments and Taxation, as the owner of real property located at 1001 Lake Street, Salisbury, Maryland, which is encumbered by a City of Salisbury utility easement; and

WHEREAS, Caritas, Inc. changed its corporate name to Joseph House Village, Inc. and then to its current name, Village of Hope, Inc.; and

WHEREAS, for the purpose of the development of the aforementioned property, Village of Hope, Inc. will relocate a water main installed in the easement area to a location in a new utility easement area on the property which has yet to be finalized; and

WHEREAS, the City of Salisbury has agreed to the water main relocation and to abandon 14,368 square feet of the existing utility easement, which the City has determined to be unnecessary for any public purpose; and

WHEREAS, the City of Salisbury has approved a utility easement abandonment plan attached hereto as **Exhibit A** entitled *Exhibit "A" Caritas, Inc.* dated October 2016, prepared by Davis, Bowen and Friedel, Inc.; and

WHEREAS, the City of Salisbury is releasing to Village of Hope, Inc. the abandoned easement area shown on the plat; 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:

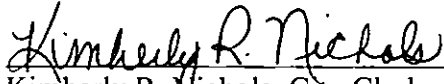
1. That the quitclaim deed between the City of Salisbury and Village of Hope, Inc. allows for the abandonment of the 14,368 sq. ft. utility easement area as shown on the aforementioned **Exhibit A**;
2. For the purposes and reasons hereinabove set forth, the City of Salisbury be, and hereby is, authorized to convey to Village of Hope, Inc. all of the City' s right, title and interest in the abandoned utility easement area; and

3. The City Solicitor has reviewed and approved the quitclaim deed to release the unneeded utility easement area attached hereto as **Exhibit B**.

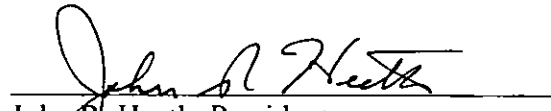
AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this 9th day of January, 2017, 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 23rd day of January, 2017.

ATTEST:

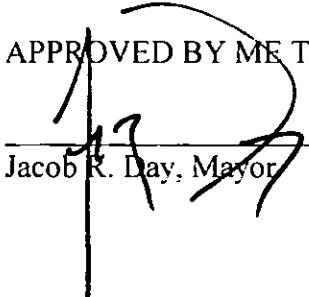


Kimberly R. Nichols, City Clerk

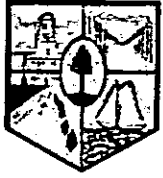


John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS 24th day of JAN, 2017.



Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, Acting City Administrator
From: Michael S. Moulds, P.E., Director of Public Works *MSM*
Date: December 7, 2016
Re: Ordinance for Easement Abandonment – Homes on Johnsons Pond

Caritas, Inc. is requesting that a portion of an existing public utility easement located at the Homes on Johnsons Pond development 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 Homes on Johnsons Pond development expansion by relocating a water main in the proposed abandonment area to a location in the new utility easement. The 14,368 square foot area to be abandoned is shown on Exhibit "A" of the attached ordinance.

The Department of Public Works has determined that the easement area proposed for abandonment and shown on the attachments will no longer be necessary for public use once the water main is relocated as noted above.

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

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 24th day of January, 2017, by the CITY OF SALISBURY, a municipal corporation of the State of Maryland, Grantor and, and Village of Hope, Inc., 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 adopted on the 23rd day of January, 2017, City of Salisbury, Ordinance No. 2414.

NOW, THEREFORE, IN CONSIDERATION of the sum of Zero Dollars (\$0.00) and other good, valuable and sufficient considerations in hand paid, receipt of which is hereby acknowledged, Grantor does hereby grant, convey, release, assign, and quitclaim unto Village of Hope, Inc., 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, Salisbury Election District, Wicomico County, Maryland as shown and more particularly described and delineated as "EXISTING UTILITY EASEMENT AREA TO BE ABANDONED = 14,368 SF" on a plat entitled *Exhibit "A" Caritas, Inc.* dated October 2016, prepared by Davis, Bowen and Friedel, Inc., to be recorded simultaneously with this deed among the Plat Records of Wicomico County, Maryland.

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 Village of Hope, Inc. 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.

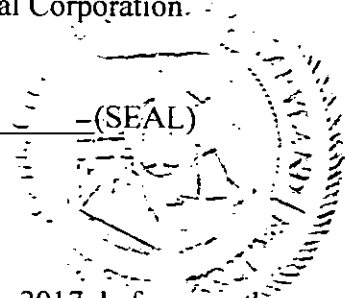
NO TITLE SEARCH REQUESTED OR PERFORMED

ATTEST:

City of Salisbury, a Municipal Corporation.

Hamberly R. Nichols

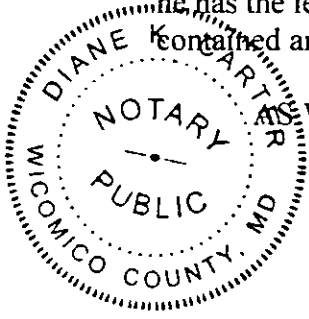
Jacob R. Day
Jacob R. Day, Mayor



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

I HEREBY CERTIFY, that on this 24th day of January, 2017, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Jacob R. Day, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within deed and acknowledged that he is the Mayor of the City of Salisbury, Maryland and that he has the legal authority on behalf of the Grantor to execute this deed for the purposes therein contained and in my presence signaled and sealed the same.

AS WITNESS my hand and Notarial Seal.



Diane K. Carter
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 that the foregoing instrument was prepared under my supervision.

S. Mark Tilghman
S. Mark Tilghman

NO TITLE SEARCH REQUESTED OR PERFORMED