



**SALISBURY CITY COUNCIL  
WORK SESSION AGENDA**

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**JANUARY 7, 2019  
COUNCIL CHAMBERS  
GOVERNMENT OFFICE BUILDING**

- 4:30 p.m. Honeywell Guaranteed Savings Performance Contract / Budget Amendment Proposal – Procurement Director Jennifer Miller
- 4:50 p.m. Budget Amendment - Street Sweeper – Field Operations Director Tom Stevenson
- 5:00 p.m. Property line adjustment - 2440 Goddard Parkway – Infrastructure & Development Director Amanda Pollack
- 5:10 p.m. Delmarva Power Utility Easement – 132 E. Main St. – City Planner Anne Roane
- 5:25 p.m. Council Discussion
- 5:30 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.  
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*



City of  
**Salisbury**  
Jacob R. Day, Mayor

**To:** City Council  
**From:** Jennifer Miller  
Director of Procurement  
**Date:** January 7, 2019  
**Subject:** Honeywell Building Solutions GESPC Executive Summary

In December 2017, the City awarded Contract RFP 12-17 to Honeywell Building Solutions Energy Services Group to perform an Investment Grade Energy Audit (IGA), with the desire to enter into a Guaranteed Energy Savings Performance Contract (GESPC) upon successful scope finalization and cost negotiation. The IGA describes recommended energy conservation measures (ECMs) and details the resulting savings from implementing those measures. The GESPC is an alternative project delivery method which funds infrastructure improvements through energy savings guaranteed by Honeywell. The driving force behind the GESPC initiative was the Salisbury Police Department (SPD) headquarters building, where a significant capital investment is necessary to replace an end-of-life HVAC system which includes a chiller, cooling tower and air handling unit.

Over the past 12 months, Honeywell has completed the IGA by performing building surveys, conducting site visits and preparing a comprehensive street lighting inventory of City-owned fixtures. Additionally, they have generated and presented ECM reviews at the 30%, 60% and 90% levels, and in early December 2018 met with City staff for a presentation of the final project and open book pricing. This \$1.7M project consists of four distinct ECMs (see below) whose energy savings are balanced across the improvements to achieve a payback of less than 15 years. Funding sources for this project would include \$300,000 appropriated in the FY19 Budget Ordinance for the SPD Chiller, in addition to a budget amendment for an additional \$1.4M which would be added to the FY19 bond issuance. Additionally, any rebates or grants obtained will be applied to the overall project cost, thus further reducing the net amount of bond issuance necessary.

<u>Project Description</u>	<u>Facilities</u>	<u>Project Amount</u>
ECM 1 – Building Lighting & Controls, Vending Misers and Street Lighting	SFD 1, 2, 16; SPD; Service Center; WWTP; Park & Paleo WTP; Zoo; select City-owned Street Lighting	\$746,138
ECM 2 – Mechanical: Chiller, Cooling Tower, Air Handling Unit and Piping Insulation	SPD	\$687,403
ECM 3 – Building Management System	SPD	\$183,237
EMC 4 – Building Envelope	SFD 16; SPD; Service Center	<u>\$105,911</u>
		<b>\$1,722,689</b>



City of  
**Salisbury**  
Jacob R. Day, Mayor

Several City departments have been involved with this project since its inception, including the Mayor, the Administration, the Department of Infrastructure and Development, the Department of Finance, and the Department of Procurement. These key members provided critical input which resulted in numerous refinements to the project scope and cost, and have incorporated the original mission of the GESPC to include replacement of the SPD HVAC system. The team has determined that the City currently has three options:

1. Perform limited HVAC improvements at the SPD within the available \$300,000 funding.
2. Perform comprehensive HVAC improvements at the SPD by utilizing the \$300,000 in available funding plus an additional amount (budget amendment) to complete the necessary work.
3. Perform comprehensive HVAC improvements at the SPD in addition to the various other energy conservation measures identified that yield higher energy savings, thus offsetting the high capital investment to replace the SPD HVAC system.

After a thorough review and discussion by all noted departments, Option 3 is being presented to Council as the most viable option. This option not only achieves replacement of the failing SPD HVAC, but the completion of all ECMs yield energy savings guaranteed by Honeywell that will pay for the project over the span of 15 years. Additionally, this option saves significant time in project start up at the SPD, as the system design is complete, mechanical equipment has been specified, and subcontractors have been identified. Therefore, we respectfully seek Council's approval of a \$1.4M budget amendment to fund the project. If approved, a Budget Ordinance will be placed on an upcoming legislative agenda, as will the Award of Bid for a GESPC to Honeywell, for Contract RFP 12-17.

cc     Jacob R. Day  
       Julia Glanz  
       Andy Kitzrow  
       Keith Cordrey  
       Amanda Pollack

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE CITY'S GENERAL CAPITAL PROJECT FUND TO APPROPRIATE FUNDING FOR HONEYWELL BUILDING SOLUTIONS ENERGY SAVINGS PROJECTS.

WHEREAS, the City has determined that improvements to the HVAC system are required at the Salisbury Police Department building; and

WHEREAS, the City has determined that an investment in the conversion of various building and street lighting to LED lighting will save the City energy costs over time; and

WHEREAS, the City has reviewed a Guaranteed Energy Savings Performance Contract proposal from Honeywell Building Solutions and has determined that entering into an agreement with them to deliver these solutions is beneficial to the City; and

WHEREAS, the City's Capital Project budget does not contain an appropriation sufficient to fund the award of a contract to Honeywell Building Solutions to fund the projects described in the attached Schedule B; and

WHEREAS, § 7-29 of the Salisbury City Charter forbids contracts requiring an expenditure in excess of the amount appropriated for that general classification or expenditure, and forbids any office, department, or agency from expending funds not appropriated; and

WHEREAS, appropriations necessary to execute the purpose of this contract must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND THAT THE City's Capital Project Budget be and hereby is amended so that the funds for the projects listed in Schedule B – Capital Project Appropriations are hereby appropriated for Capital Projects.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this \_\_\_\_ day of \_\_\_\_\_, 2019, 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 \_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

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

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jacob R. Day, Mayor

Schedule B – Capital Project Appropriations

Honeywell Guaranteed Energy Savings Performance Contract

Project Description	Project Amount	Funding Source				
		Bond Issuance	Grants	Donation	Transfer/Pay Go	Funds On Hand
<b>Building Lighting and Controls (ECM 1)</b>						
Salisbury Fire Department Station 1	26,653	26,653				
Salisbury Fire Department Station 2	925	925				
Salisbury Fire Department Station 16	119,040	119,040				
Salisbury Police Department Headquarters	128,934	128,934				
Salisbury Service Center Administration Bldg	925	925				
Salisbury Service Center Warehouse	17,328	17,328				
Salisbury Waste Water Treatment Plant	925	925				
Salisbury Water Treatment Plant (Paleo)	28,312	28,312				
Salisbury Water Treatment Plant (Park)	5,475	5,475				
Salisbury Zoo	37,996	37,996				
Street Lighting	379,625	379,625				
<b>Mechanical (ECM 2)</b>						
Salisbury Police Department Headquarters*	387,403	387,403				
<b>Building Management Systems (ECM 3)</b>						
Salisbury Police Department Headquarters	183,237	183,237				
<b>Building Envelope Improvement (ECM 4)</b>						
Salisbury Fire Department Station 16	10,777	10,777				
Salisbury Police Department Headquarters	30,818	30,818				
Salisbury Service Center Administration Bldg	28,581	28,581				
Salisbury Service Center Traffic, Carpentry & Meter	24,631	24,631				
Salisbury Service Center Warehouse	11,104	11,104				
<b>Total</b>	<b>1,422,689</b>	<b>1,422,689</b>				

\*An additional \$300,000 was appropriated for the Salisbury Police Department Chiller in the FY19 Budget Ordinance.

**To:** Andy Kitzrow  
**From:** Tom Stevenson  
**Subject:** Budget Amendment (Street Sweeper)  
**Date:** November 1, 2018

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The City of Salisbury projected the amount of \$225,000.00 to purchase a new street sweeper for FY19. Due to an unforeseen change in emissions control requirements (*from a Tier III engine to a Tier IV engine*) that occurred sometime between when the initial the quote was secured, verses when the vehicle was budgeted, we now face a shortfall of \$24,250.00.

To overcome this gap in funding, it is necessary to:

- 1) Increase Current Year Surplus (60800-469810) by \$24,250
- 2) Increase Street Sweeping Vehicles (60820-577025) by \$24,250

Attached please find an ordinance that will have the effect of amending the FY19 budget by the aforementioned amount.

Unless you have any questions or require additional information, please advance this request to the Mayor and Council for consideration.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND APPROVING A BUDGET AMENDMENT OF THE FY2019 STORMWATER FUND TO APPROPRIATE FUNDS FOR A NEW STREET SWEEPER.

WHEREAS, the City of Salisbury has projected the amount to purchase a new street sweeper for FY 2019; and

WHEREAS, the City of Salisbury's projection indicates that an increase of \$24,250 in FY19 appropriations is needed in account 60820-577025, Street Sweeping Vehicles, in order to meet a change in emission requirements from a Tier III engine to a Tier IV engine; and

WHEREAS, appropriations must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, THAT THE City's Fiscal Year 2019 Storm Water Fund Budget be amended as follows:

- 1) Increase Current Year Surplus (60800-469810) by \$24,250
- 2) Increase Street Sweeping Vehicles (60820-577025) by \$24,250

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this \_\_\_\_ day of \_\_\_\_\_ 2018, 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 \_\_\_\_ day of \_\_\_\_\_, 2018.

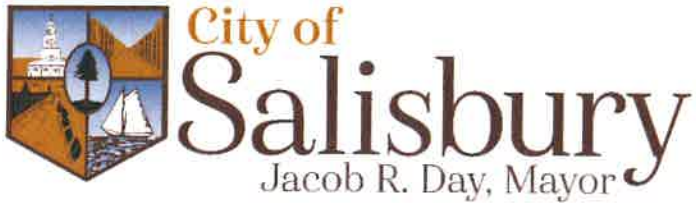
**ATTEST:**

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

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jacob R. Day, Mayor



To: Julia Glanz, City Administrator  
From: Amanda Pollack, P.E., Director of Infrastructure and Development  
Date: December 27, 2018  
Re: Resolution – Goddard Parkway property line adjustment

A handwritten signature in blue ink, appearing to be the initials "AP", is located to the right of the "From:" line in the header.

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Attached is an email from Ed Beauchamp dated December 3, 2018 which requests consideration for a property line adjustment to correct an encroachment of one of his buildings onto a City property. The City property is located at 2448 Goddard Parkway and is the shooting range for the Salisbury Police Department. The draft resubdivision plat is also attached.

Attached is a Resolution for consideration to adjust the property line through a land swap which would not negatively impact either property owner. Unless you or the Mayor has further questions, please forward a copy of this memo and the Resolution to the City Council.



## **Amanda Pollack**

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**From:** Ed Beauchamp <ebeauchamp046@gmail.com>  
**Sent:** Monday, December 3, 2018 7:35 PM  
**To:** Amanda Pollack  
**Subject:** Re: 2440 Goddard Pkwy property, next to city shooting range

I am asking city council for approval of swapping lands to correct an encroachment discovered by a recent survey done by Parker & Associates for me. I was sub-dividing my property when we found the encroachment from a building that was built 18-20 years ago. The new survey plat has been turned in to Les Sherrill's office and they have approved it. I am hoping your office will be able to do the same.

We would like very much to have this done by the end of the year because we have some interest in the property.

Thank you

Ed Beauchamp  
cell # 410-726-2296



VICINITY MAP SCALE: 1" = 2000'

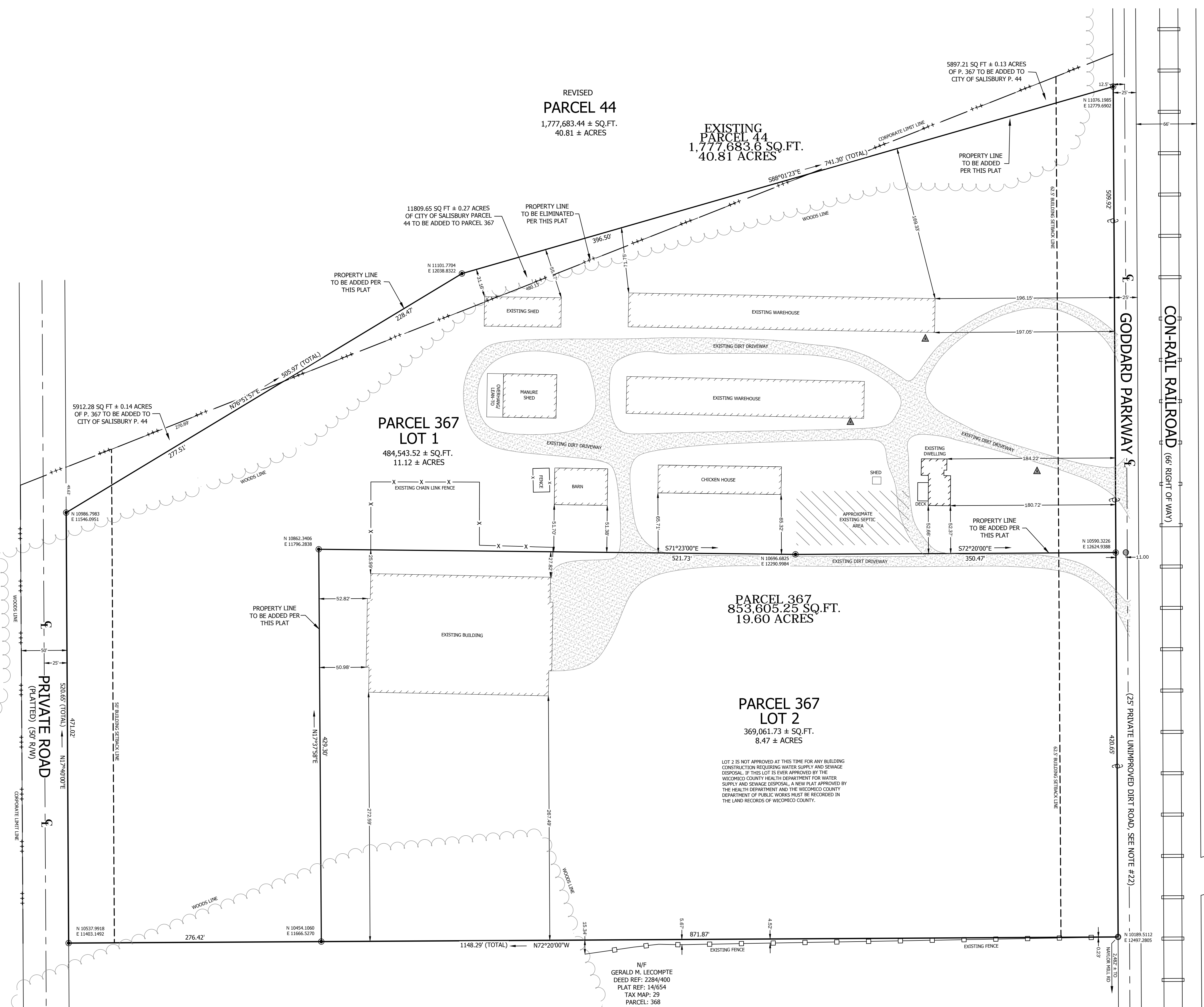
**WICOMICO COUNTY FOREST CONSERVATION ACT**  
 THIS SUBDIVISION IS BOUND BY THE AGREEMENTS AS SET FORTH IN FCA# 2018-10, ON FILE IN THE PLANNING OFFICE.  
 PLANNING DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

FINAL PLAT APPROVAL CERTIFIES THAT THIS SUBDIVISION HAS BEEN REVIEWED FOR STORMWATER DRAINAGE AFFECTING ONLY STREETS AND PUBLIC AREAS WITHIN ITS OWN BOUNDARIES, NOT INDIVIDUAL LOTS.  
 WICOMICO COUNTY DEPARTMENT OF PUBLIC WORKS \_\_\_\_\_ DATE \_\_\_\_\_  
 WICOMICO COUNTY PLANNING & ZONING \_\_\_\_\_ DATE \_\_\_\_\_  
 CITY OF SALISBURY \_\_\_\_\_ OWNER \_\_\_\_\_ DATE \_\_\_\_\_  
 C/O MAYOR JACOB DAY

THIS SUBDIVISION IS APPROVED IN CONFORMANCE WITH THE WICOMICO COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN. LOT 1 EXISTING WELL AND SEWERAGE SYSTEM WERE NOT EVALUATED FOR QUALITY FOR THE PURPOSE OF THIS PLAT. LOT 2 IS NOT APPROVED FOR BUILDING AT THIS TIME.  
 WICOMICO COUNTY HEALTH DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

WE CERTIFY THAT THE REQUIREMENTS OF 'REAL PROPERTY SECTION 3-108 OF THE ANNOTATED CODE OF MARYLAND, LATEST EDITION, AS FAR AS IT CONCERNS THE MAKING OF THIS PLAT AND THE SETTING OF THE MONUMENTS HAVE BEEN COMPLIED WITH TO THE BEST OF MY KNOWLEDGE.  
 BROCK E. PARKER \_\_\_\_\_ DATE \_\_\_\_\_  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 LIC. #21193 RENEWAL DATE 07/24/2020  
 RALPH E. BEAUCHAMP \_\_\_\_\_ OWNER \_\_\_\_\_ DATE \_\_\_\_\_  
 BRENDA J. BEAUCHAMP \_\_\_\_\_ OWNER \_\_\_\_\_ DATE \_\_\_\_\_

- GENERAL NOTES**
- THE PROPERTIES SHOWN HEREON ARE CURRENTLY OWNED BY:  
 RALPH E. & BRENDA J. BEAUCHAMP  
 3015 DIAMOND LANE 2440 GODDARD PWY  
 SAINT CLOUD, FL 34772 SALISBURY, MD 21801  
 PARCEL 367  
 CITY OF SALISBURY PREMISE ADDRESS:  
 125 N DIVISION STREET 2448 GODDARD PWY  
 SALISBURY, MD 21801 SALISBURY, MD 21801  
 PARCEL 44
  - DEED REFERENCE: PARCEL 367 = 1716/294, PARCEL 44 = 785/124
  - PLAT REFERENCE: PARCEL 367 = 14/654
  - THE PRESENT ZONING OF THESE PROPERTIES ARE PARCEL 367 = I-2, (HEAVY INDUSTRIAL) (WICOMICO COUNTY) PARCEL 44 = CONSERVATION DISTRICT (CITY OF SALISBURY)
  - TOTAL NUMBER OF PARCELS = 2
  - TOTAL AREA OF PARCELS = 60.41 ± ACRES / 2,631,288.69 ± SQ.FT. AREA OF PARCEL 367 = 19.60 ± ACRES / 853,605.25 ± SQ.FT. AREA OF PARCEL 44 = 40.81 ± ACRES / 1,777,683.44 ± SQ.FT.
  - TOTAL AREA OF PARCEL 367 = 19.60 ± ACRES / 853,605.25 ± SQ.FT.
  - TOTAL NUMBER OF PROPOSED LOTS ON PARCEL 367 = 2
  - AREA OF PROPOSED LOTS: LOT 1 = 10.85 ± ACRES / LOT 2 = 8.47 ± ACRES.
  - THESE PROPERTIES ARE LOCATED WITHIN G.P.R. MANAGEMENT ZONE A.
  - MAXIMUM TRENCH DEPTH RESTRICTION APPLIES TO DEPTH FROM ORIGINAL UNDISTURBED GRADE.
  - NO PERMANENT BUILDING OR STRUCTURE SHALL BE PERMITTED WITHIN THE AREA DESIGNATED AS SEWAGE DISPOSAL AREA AS SHOWN ON THIS PLAT.
  - THE SEWAGE DISPOSAL AREA(S) SHOWN ON THIS PLAT ARE NOT TO BE IMPACTED DURING ANY PHASE OF CONSTRUCTION, GRADING OR STORM WATER MANAGEMENT ACTIVITIES, OTHERWISE THE SITE MAY BE DEEMED NOT BUILDABLE.
  - EACH SEWAGE / RESERVE AREA SHALL REMAIN EXCLUSIVE OF STRUCTURES, EASEMENTS, RIGHT OF WAYS AND DRIVEWAYS. UTILITIES ARE TO BE LOCATED OUTSIDE OF THE SEWAGE DISPOSAL AREAS.
  - ALL FOUNDATIONS MUST BE A MINIMUM OF 10' FROM SEWAGE RESERVE AREAS AND 30' FROM POTABLE WELL.
  - SEWAGE SYSTEM DESIGNS ARE BASED ON UNDISTURBED GRADES WHICH WERE OBSERVED DURING THE LAND EVALUATION.
  - SEWAGE SYSTEM DESIGNS ARE BASED ON RESIDENTIAL USE. OTHER USES MAY REDUCE THE APPROVED FLOW.
  - CHANGES IN HYDROLOGY OR DRAINAGE (FILLING, RELOCATING, ETC OF DITCHES) MAY VOID APPROVALS.
  - THE APPROVAL OF THE WICOMICO COUNTY DEPARTMENT OF PUBLIC WORKS DOES NOT RELIEVE THE APPLICANT OF THE RESPONSIBILITY TO COMPLY WITH ALL OTHER APPLICABLE FEDERAL, STATE, AND LOCAL LAWS.
  - NO BUILDINGS OR STRUCTURES SHALL BE LOCATED WITHIN THIRTY FEET OF DESIGNATED WELL SITE(S).
  - SEWAGE DISPOSAL AREA EXCLUSIVE OF EASEMENTS, RIGHT-OF-WAYS, BUILDINGS, AND DRIVEWAYS.
  - A 25' WIDE STRIP ALONG GODDARD PARKWAY IS AN UNIMPROVED PRIVATE ROAD THAT IS CURRENTLY MAINTAINED BY THE CITY OF SALISBURY. THERE IS NO MAINTENANCE AGREEMENT WITH THE CITY OF SALISBURY.
  - THESE PROPERTIES ARE SHOWN ON F.I.R.M. COMMUNITY PANEL # 2404500112E (PANEL 112 OF 375), DATED 8/17/2015, AS BEING IN FLOOD ZONE "X" AREA OF MINIMAL FLOODING.
  - THE FOLLOWING NOTE IS A STANDARD NOTE REQUIRED BY THE WICOMICO COUNTY DEPARTMENT OF PUBLIC WORKS ON ALL SUBDIVISION PLATS: THESE LOTS MAY BE SUSCEPTIBLE TO PERIODIC LOCALIZED STORM WATER DRAINAGE PROBLEMS. LOT OWNERS ARE ENCOURAGED TO PREPARE THE SITE AND CONSTRUCT STRUCTURES SO AS TO MINIMIZE THE IMPACT OF THESE POTENTIAL STORM WATER DRAINAGE PROBLEMS.
  - THE CURRENT WICOMICO COUNTY WATER/SEWER PLAN SERVICE CATEGORY W-6/ S-6.
  - THIS SUBDIVISION PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHT-OF-WAYS THAT MIGHT BE REVEALED BY A THROUGH TITLE SEARCH.
  - ALL COORDINATES SHOWN HEREON THIS PLAT ARE BASED ON ASSUMED DATUM.
  - ALL FUTURE CONSTRUCTION SHALL CONFORM TO THE WICOMICO COUNTY CODE IN EFFECT AT THE TIME OF CONSTRUCTION.



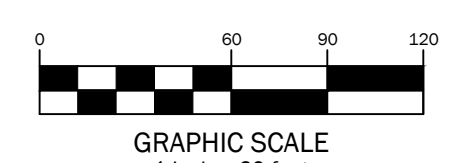
**LEGEND**

- IRON PIPE W/CAP SET
- IRON PIPE FOUND
- IRON ROD W/CAP FOUND
- UTILITY POLE
- ▲ EXISTING WELL

**LOT AREA TABULATION CHART**

EXISTING PARCEL #	EXISTING PARCEL AREA	NEW LOT 1 AREA	NEW LOT 2 AREA	REVISED PARCEL AREA
PARCEL 367	19.60 ± ACRES	11.13 ± ACRES	8.47 ± ACRES	19.60 ± ACRES
PARCEL 44	40.81 ± ACRES			40.81 ± ACRES

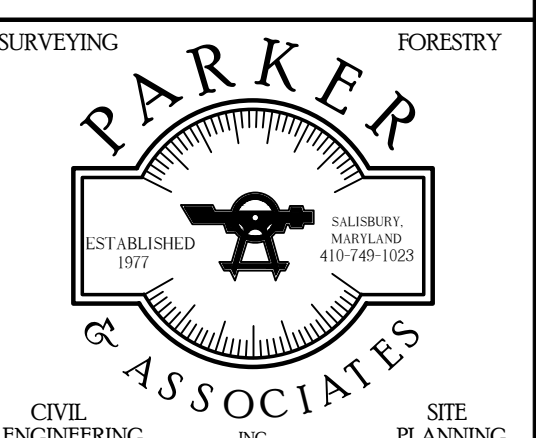
**PURPOSE STATEMENT**  
 THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE EXISTING PARCEL 367 INTO TWO SEPARATE LOTS KNOWN AS LOT 1 & LOT 2. ALSO TO RESUBDIVIDE THE SHARED PROPERTY LINE OF PARCEL 367 AND PARCEL 44.



**REVISIONS**

DATE	BY
06/04/2018	S.C.B.
08/16/2018	MAM
10/18/2018	CPS
11/07/2018	CPS
11/29/2018	CPS

**SUBDIVISION & RESUBDIVISION OF THE LANDS OF RALPH & BRENDA J. BEAUCHAMP & THE CITY OF SALISBURY**  
 LOCATION: SALISBURY ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND  
 SCALE: 1" = 60'  
 DATE: 01/10/2018  
 TAX MAP: 29  
 DWG: S1638\_SUBDIVISION  
 JOB NO.: S1638  
 DRAWN BY: SCB  
 PARCEL: 367



1 RESOLUTION NO. \_\_\_\_\_  
2

3 A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY TO ADJUST THE  
4 SOUTHERN PROPERTY LINE OF CITY REAL PROPERTY PARCEL 44, TAX MAP 29,  
5 LIBER 765, FOLIO 124 WHICH IS CURRENTLY BEING USED AS THE CITY SHOOTING  
6 RANGE, BY EXCHANGING CERTAIN SECTIONS OF LAND WITH THE ADJACENT  
7 PROPERTY OWNER NEAR GODDARD PARKWAY.  
8

9 WHEREAS, the City of Salisbury owns real property, located at 2448 Goddard Parkway,  
10 Salisbury, Maryland 21801, District 09, Account Number 038922, which was acquired by deed  
11 dated June 29, 1972 and recorded in the Land Records of Wicomico County, Maryland in Liber  
12 765, folio 124; and  
13

14 WHEREAS, the property is currently being utilized as a shooting range for the City of  
15 Salisbury Police Department; and  
16

17 WHEREAS, the owners of real property along the Southern property line of the City of  
18 Salisbury's real property has a building which encroaches on the City's property and has  
19 requested a small exchange of land to adjust their property line around the building to avoid  
20 having to demolish it; and  
21

22 WHEREAS, the owners of the adjacent real property, located at 2440 Goddard Parkway,  
23 Salisbury, Maryland 21801, District 09, Account Number 030069, which was acquired by deed  
24 dated October 29, 1999 and recorded in the Land Records of Wicomico County, Maryland in  
25 Liber 1716, folio 294 are Ralph E. and Brenda J. Beauchamp, 3015 Diamond Lane, Saint Cloud,  
26 FL 34772; and  
27

28 WHEREAS, the City of Salisbury does not object to adjusting the property lines between  
29 the two parcels, which involves exchanging very small parcels of land between the affected  
30 properties; and  
31

32 WHEREAS, an adjustment of property lines would allow both property owners to  
33 continue to use their respective properties without negative effects to both property owners; and  
34

35 WHEREAS, the owners of real property requesting the lot line adjustment shall be  
36 responsible for all costs associated with preparing the necessary paperwork and all charges  
37 connected to the property line adjustment filing and recording; and  
38

39 WHEREAS, all drafted paperwork shall be approved by the City Solicitor before being  
40 signed by the Mayor.  
41

42 NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury,  
43 Maryland does hereby agree to adjust the Southern property line of its real property located at  
44 2448 Goddard Parkway, Salisbury, Maryland 21801 by exchanging small sections of land with  
45 the adjacent property owner of 2440 Goddard Parkway, Salisbury, Maryland 21801 as shown on

46 the attached Plat entitled "Subdivision and Resubdivision of the Lands of Ralph & Brenda J.  
47 Beauchamp & The City of Salisbury" dated 01/10/2018 last revised 11/29/2018.

48  
49 AND BE IT FURTHER RESOLVED that all paperwork prepared by the adjacent owner  
50 to effectuate the property line adjustments between the two respective property owners shall be  
51 approved by the City Solicitor before being signed by the Mayor or his designated representative  
52 who shall hereby be authorized to further negotiate, execute and deliver all documents on behalf  
53 of the City of Salisbury in connection with the property line adjustment and to take any action  
54 which is necessary to consummate the transactions described herein.

55  
56 THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting  
57 of the Council of the City of Salisbury held on this \_\_\_\_ day of \_\_\_\_\_, 2019 and is to  
58 become effective immediately upon adoption.

59  
60 ATTEST:

61  
62  
63  
64 \_\_\_\_\_  
65 Kimberly R. Nichols, City Clerk  
66 \_\_\_\_\_  
67 John R. Heath, City Council President

68 APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019

69  
70 \_\_\_\_\_  
71 Jacob R. Day, Mayor



City of  
**Salisbury**  
Jacob R. Day, Mayor

December 19, 2018

To: Julia Glanz, City Administrator  
From: Anne Roane, City Planner *AR*  
Date: December 19, 2018  
RE: Utility Easement Agreement by and between City of Salisbury and Delmarva Power & Light Company

In connection with First Move Properties, LLC's ("First Move") redevelopment of 132 East Main St, the City of Salisbury and First Move have been working with Delmarva Power & Light Company ("Delmarva Power") with respect to the burying of existing aerial electric facilities located on City owned property.

Delmarva Power prepared the attached Utility Easement Agreement, which has been revised to more specifically describe and limit the City owned-property that will be subject to the Utility Easement granted to Delmarva Power. The Utility Easement Agreement allows Delmarva Power to install and maintain the electric equipment that will be buried underground and run through the City owned property described in Schedule A of the attached Utility Easement Agreement.

Unless you or the Mayor has further questions, please forward a copy of this memo, the Ordinance and the Utility Easement Agreement to the City Council for their consideration.

Attachment: Utility Easement Ordinance  
Utility Easement Agreement between Delmarva Power & Light Company and the City of Salisbury

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND  
GRANTING A UTILITY EASEMENT TO DELMARVA POWER &  
LIGHT COMPANY ACROSS CITY OWNED PROPERTY, BEING  
PORTIONS OF THE ALLEY-WAY LOCATED OFF OF BAPTIST  
STREET AND RUNNING ALONG THE NORTHERLY SIDE OF THE  
CITY PARKING GARAGE.

WHEREAS, the City of Salisbury owns all that real property described in Item One and Item Two, set forth in Schedule A of the Utility Easement Agreement by and between the City and Salisbury and Delmarva Power & Light Company (the ‘‘Utility Easement’’), attached to this Ordinance; and

WHEREAS, the redevelopment of the property 132 East Main Street by First Move Properties, LLC necessitates the burying of existing aerial electric facilities located on the City owned property more particularly described in Item One and Item Two, set forth in Schedule A of the attached Utility Easement; and

WHEREAS, before commencing work to bury such existing aerial electric facilities, Delmarva Power & Light Company (‘‘Delmarva Power’’) has requested the City of Salisbury enter into the Utility Easement attached hereto, granting Delmarva Power the right to construct, operate and maintain the infrastructure associated with the electric facilities that will be buried by Delmarva Power in connection with First Move’s redevelopment of 132 East Main Street.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, THAT the City of Salisbury allows Delmarva Power and Light Company to construct, operate and maintain the electric facility infrastructure located on and within the real property described in Schedule A of the Utility Easement, by and between Delmarva Power & Light Company and the City of Salisbury, attached hereto, and that the Mayor is hereby authorized to execute the attached Utility Easement for and on behalf of the City of Salisbury; and

**BE IT FURTHER ORDAINED** as follows:

- 1) That each provision of this Ordinance shall be deemed independent of all other provisions herein;
- 2) That if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable state or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain valid and enforceable;
- 3) That the recitals set forth hereinabove are incorporated into this section of this Ordinance as if specifically set forth at length herein; and
- 4) That, upon its final passage, this Ordinance shall not be codified.

45 **BE IT FURTHER ORDAINED** that this Ordinance shall take effect from and after the  
46 date of its final passage.

47  
48 **THIS ORDINANCE** was introduced and read at a meeting of the Council of the City of  
49 Salisbury held on \_\_\_\_\_ day of \_\_\_\_\_ 2019, and thereafter, a statement of the  
50 substance of this Ordinance having been published as required by law, was finally passed by the  
51 Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

52  
53  
54 **ATTEST:**

55  
56  
57 \_\_\_\_\_  
58 Kimberly R. Nichols  
59 City Clerk

\_\_\_\_\_   
John R. Heath, President  
Salisbury City Council

60  
61  
62 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2018.

63  
64 \_\_\_\_\_  
65 Jacob R. Day  
66 Mayor of the City of Salisbury

Tax Parcel No.: MAP 107 PARCEL 880

Prepared By Delmarva Power & Light Company  
& Return to: Right-of-Way Department  
2530 N. Salisbury Blvd.  
Attn. Real Property  
Salisbury, Maryland 21801

### UTILITY EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, between CITY OF SALISBURY, A MARYLAND MUNICIPAL CORPORATION ("Grantor") and DELMARVA POWER & LIGHT COMPANY, a corporation of the State of Delaware and the Commonwealth of Virginia ("Delmarva").

#### WITNESSETH:

WHEREAS, Grantor is the owner of land located in the State of MARYLAND, the County of Wicomico County, as more particularly described in Schedule A, Items One and Two, attached hereto and incorporated herein by reference (the land described in Schedule A, Items One and Two, which is the subject of this Easement Agreement is hereinafter referred to collectively as the "Easement Area").

For and in consideration of the payment by Delmarva of the sum of one dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Delmarva a perpetual easement and right of way on, along, under and across the Easement Area and agrees as follows:

1. Delmarva shall have the right to install, operate, maintain, add to, extended, relocate and remove its ELECTRIC (X), GAS ( ), COMMUNICATION ( ), and other appropriate facilities, and accessories and appurtenances thereto to extend Delmarva's systems and to provide services to Delmarva's service areas; including any other cables, conduits, fiber optic cables and wires on, over, under and across Grantor's land which may become necessary to provide such services.
2. The facilities installed pursuant to this agreement shall remain the property of Delmarva and all maintenance, repairs and removals of said facilities shall be the responsibility of Delmarva.
3. Delmarva shall have the right to rim, remove, and/or otherwise maintain all trees and underbrush located 15 feet on each side of the centerline of Delmarva's facilities.
4. Delmarva shall have the rights of ingress, egress and regress to and over Grantor's land as necessary for the enjoyment of the rights granted herein.
5. Grantor agrees not to place any improvements, including trees or other foliage, within 10 feet of the opening side of any enclosed equipment installed under the terms of this Agreement and shall not construct any structures or improvements over or under the utility facilities permitted by this Agreement.
6. Grantor shall have the right to use the land covered by this Agreement for any lawful purpose not inconsistent with or in contravention of the rights of Delmarva.
7. Grantor covenants that it is seized of and has the right to convey the foregoing easement, rights and privileges; agrees that Delmarva shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges.
8. Grantor agrees that this Utility Easement Agreement shall be binding upon and inure to the benefit of Grantor and Delmarva and their respective heirs, personal representatives, administrators, successors and assigns.



9. Grantor hereby certifies that the actual monetary consideration paid for this Agreement is \$1.00.
10. Delmarva's utility facilities installed hereunder may, without further consideration, be relocated to conform to new or reestablished highway limits.
11. Delmarva shall restore the surface of the Grantor's property to its original condition upon completion of any said installation, operation and maintenance.

As agent on behalf Delmarva, I certify that this document was prepared by Delmarva.

\_\_\_\_\_  
Name: Antoine Horsey  
Title: Engineering Fieldman

WITNESS our hands and seals the day and year aforesaid.

**CORPORATE GRANTOR:**

**CITY OF SALISBURY**

**ATTEST: (AFFIX CORPORATE SEAL)**

By: \_\_\_\_\_(SEAL)

\_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

AREA INTENTIONALLY LEFT BLANK

## SCHEDULE A

### **ITEM ONE:**

Beginning at Delmarva Power & Light Company ("Delmarva") Pole No. 46877/93138 located at the northeast corner of a public right-of-way and running westerly along the southern boundaries of those certain properties situate on East Main Street, Salisbury, Maryland to the north identified as Map 107 Parcel 858, continuing west to the southwest corner of that certain lot and parcel of land identified as Map Parcel 853; thence running south to a point on the northern side of that certain lot and parcel of land identified as Parcel 881 equal distance from the northwesterly most corner of said Parcel 881 that would intersect with the southerly extension of the western boundary of that certain lot and parcel of land identified as Map 107 Parcel 126 to the northwestern boundary of Parcel 881, being a distance of forty-five feet (45'), more or less, east of the northwesterly-most corner of Parcel 881; thence running along the northern boundaries of those certain lots and parcels of land to the south identified as Map 107 Parcels 881, 880, 878 and 875 to a point at the northwestern corner of Parcel 875; thence running north to the point of beginning. (For purposes of this Schedule all of that certain real property described in this Item One is referred to as the "Alley-Way.")

### **ITEM TWO:**

Beginning at the northeast corner of that certain lot and parcel of land identified as Map 107 Parcel 880, thence running, in a southerly direction, along the eastern boundary of said Parcel 880, a distance of forty-five feet (45'), more or less; thence running west, along a line parallel to the northerly-most boundaries of said Parcel 880 and that certain lot and parcel of land identified as Map 107 Parcel 881, to a point at which said line would intersect with the extension of the western boundary line of said Parcel 881 that abuts the Alley-Way, continuing south, from the northwesterly-most corner of Parcel 881, a distance of forty-five feet (45'), more or less; thence running north, from the aforesaid point of intersection, a distance of forty-five feet (45'), more or less; thence running east along the southern boundary of the Alley-Way to the point of beginning.

STATE OR COMMONWEALTH OF

)  
) SS  
)

COUNTY OF

BE IT REMEMBERED, That on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally came before me, a notary public, the within name Grantor, \_\_\_\_\_, party(ies) to this indenture and known to me personally to be such, and acknowledged said Agreement to be his/her act of said individual(s) or the act and deed of the corporation or partnership for which he/she signed.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Notary  
Seal/Stamp Here

Print Name: \_\_\_\_\_

FOR DELMARVA USE ONLY

Secured by: Antonie Horsey	Job Order Number: 6182235
Address: SALI District Engineering	District/Hundred: _____
Map Number: 107	Parcel Number: 880
Coordinates Covered: 46868/93134	