

**RESOLUTION NO. 2927**

A RESOLUTION of the City of Salisbury proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury to be known as the "Route 13 North – Penntex 2 Property Annexation" the southerly boundary of which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PTV I, LLC.

WHEREAS the City of Salisbury has received a petition to annex dated May 25, 2018, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property sought to be annexed; and

WHEREAS, the said property is binding upon the Northerly Corporate Limit of the City of Salisbury to be known as "Route 13 North – Penntex 2 Property Annexation," the southerly boundary of which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PTV I, LLC; and

WHEREAS the City of Salisbury has caused to be made a certification of the signatures on said petition for annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of June 19, 2018, and, as more particularly appears by the certification of Leslie C. Sherrill, Surveyor, of the City of Salisbury, attached hereto; and

WHEREAS the petition dated May 25, 2018, meets all the requirements of applicable law; and

WHEREAS the public hearing required by law is scheduled for April 8, 2019 at 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT the boundaries of the City of Salisbury be changed so as to annex to and include within the City all that parcel of land together with the persons residing therein and their property, contiguous to and binding upon the Northerly Corporate Limit of the City of Salisbury, the southerly boundary of which begins at a point on the Corporate Limit, said point lying at the intersection of the easterly right-of-way line of U.S. Route 13, North Salisbury Boulevard, and the northerly boundary line of the lands of PTV I, LLC, thence running in an easterly direction by and with the northerly line of the lands of PVT I, LLC, and being more particularly described in Exhibit "A" attached hereto and made a part hereof.

AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the annexation of the said area be made subject to the terms, conditions and agreements in Exhibits A-C attached hereto and made a part hereof.

AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Zoning Map of the City of Salisbury shall be amended to include this newly annexed property in the General Commercial Zoning District. Said property is presently classified as C-2 General Commercial District under the zoning laws of Wicomico County.

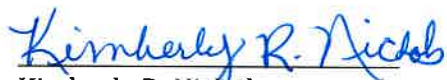
AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, that the Council hold a public hearing on the annexation hereby proposed on April 8, 2019 at 6:00 p.m. in the Council Chambers at the City-County Office Building and the City Administrator shall cause a public notice of the time and place of said hearing to be published not fewer than two (2) times at not less than weekly intervals, in a newspaper of general circulation in the City of Salisbury, which said notice shall specify a time and place at which the Council of the City of Salisbury will hold a public hearing on the Resolution, which date shall be no sooner than 15 days after the final required date of

publication specified above.

AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, THAT this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in the Local Government Article of the Maryland Code.

The above Resolution was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on the 11<sup>th</sup> day of March, 2019, having been duly published as required by law, and in the meantime, a public hearing was held on the 8th day of April, 2019, and was finally passed by the Council at its regular meeting held on the 8th day of April, 2019.

ATTEST:




Kimberly R. Nichols,  
City Clerk



John R. Heath,  
Council President

APPROVED BY ME this 15<sup>th</sup> day of APRIL, 2019.



Jacob R. Day,  
Mayor

# City of Salisbury



MARYLAND

Salisbury



2010

JACOB R. DAY  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

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

AMANDA H. POLLACK, P.E.  
DIRECTOR OF INFRASTRUCTURE  
& DEVELOPMENT

## CERTIFICATION

### NORTH SALISBURY BLVD. – PENTEX PHASE 2 ANNEXATION

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.

Leslie C. Sherrill  
Surveyor

Date: 6/19/18

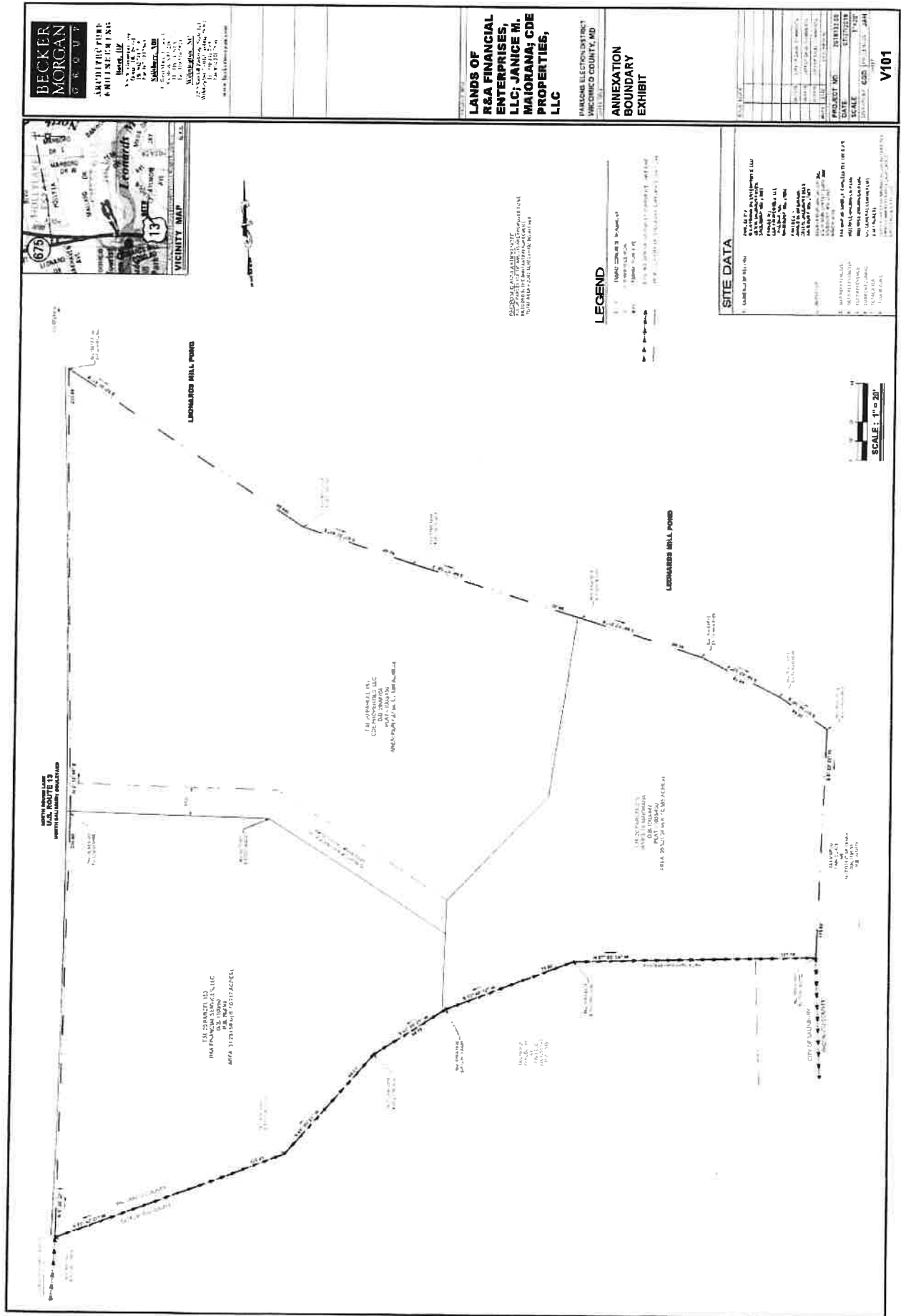
N Salisbury Blvd. – Pentex Phase 2 Certif.

**EXHIBIT A**

## Metes and Bounds Description

## ROUTE 13 NORTH – PENNTEX 2 PROPERTY ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the northerly Corporate Limit of the City of Salisbury to be known as "Route 13 North – Penntex 2 Property Annexation" beginning for the same at a point on the Corporate Limit, said point lying on the easterly right-of-way line of U. S. Route 13, North Salisbury Boulevard, X 1,211,186.94, Y 217,317.50; thence by and with the northerly line of the lands of PTV I, LLC, the following five courses: (1) North seventy-three degrees forty-two minutes nineteen seconds East (N 73° 42' 19" E) one hundred twenty-seven decimal four, five (127.45) feet to a point X 1,211,309.27, Y 217,353.26; (2) North forty-five degrees thirty-five minutes nineteen seconds East (N 45° 35' 19" E) sixty-nine decimal zero, three (69.03) feet to a point X 1,211,358.58, Y 217,401.57; (3) North sixty-two degrees five minutes nineteen seconds East (N 62° 05' 19" E) forty-four decimal five, nine (44.59) feet to a point X 1,211,397.97, Y 217,422.44; (4) North seventy-three degrees forty minutes nineteen seconds East (N 73° 40' 19" E) seventy-one decimal six, zero (71.60) feet to a point X 1,211,466.69, Y 217,442.57; (5) South eighty-seven degrees five minutes thirty-eight seconds East (S 87° 05' 38" E) one hundred twenty-seven decimal one, eight (127.18) feet to a point X 1,211,593.71, Y 217,436.12; thence North six degrees twenty-two minutes fifty seconds East (N 06° 22' 50" E) one hundred nineteen decimal six, eight (119.68) feet to a point on the southerly edge of Leonard's Mill Pond X 1,211,607.01 Y 217,555.05; thence by and with the said line of Leonard's Mill Pond the following six courses: (1) North fifty-one degrees thirty-six minutes fifty-eight seconds West (N 51° 36' 58" W) thirty decimal four, eight (30.48) feet to a point X 1,211,583.11, Y 217,573.98; (2) North fifty-nine degrees two minutes fifty-two seconds West (N 59° 02' 52" W) forty-five decimal seven, nine (45.79) feet to a point X 1,211,543.84, Y 217,597.53; (3) North sixty-eight degrees thirteen minutes twenty-one seconds West (N 68° 13' 21" W) sixty-five decimal nine, zero (65.90) feet to a point X 1,211,482.64, Y 217,621.98; (4) North sixty-eight degrees seventeen minutes fifty-eight seconds West (N 68° 17' 58" W) ninety-four decimal two, zero (94.20) feet to a point X 1,211,395.12, Y 217,656.81; (5) North sixty-seven degrees thirty-one minutes forty-one seconds West (N 67° 31' 41" W) sixty decimal zero, zero (60.00) feet to a point X 1,211,339.68, Y 217,679.75; (6) North fifty-two degrees thirty-one minutes forty-one seconds West (N 52° 31' 41" W) one hundred forty-nine decimal zero, zero (149.00) feet to a point on the aforementioned line of U. S. Route 13, North Salisbury Boulevard X 1,211,221.42, Y 217,770.39; thence with a chord of a curve on the said line of U. S. Route 13 South three degrees fifteen minutes forty-four seconds West (S 03° 15' 44" W) two hundred thirty-three decimal four, nine (233.49) feet to a point on the said line of U. S. Route 13 X 1,211,208.14, Y 217,537.28; thence with a chord of a curve on the said line of U. S. Route 13 South five degrees thirty minutes thirty-two seconds West (S 05° 30' 32" W) two hundred twenty decimal eight, zero (220.80) feet to the point of beginning and containing 2.343 acres, more or less, being Parcels 153, 185 & 215 on Tax Map 20. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.





July 30, 2018

PenTex Ventures  
Real Estate Development  
400 Penn Center Boulevard, Building 4,  
Suite 1000  
Pittsburgh, PA 15235  
Attention: Mr. William R. Owen-Project Design Manager

RE: Annexation Zoning-2815, 2825, 2835 N. Salisbury Blvd.  
Map 20-Parcels 153, 185, and 215  
City of Salisbury, Wicomico County, Maryland

Dear Mr. Owen,

The Salisbury-Wicomico Planning Commission at its July 19, 2018 meeting forwarded a **FAVORABLE** recommendation to the Mayor and City Council for this property to be zoned **General Commercial** upon annexation. The Commission also found that the proposed zoning is consistent with the Wicomico County Zoning and the Salisbury Comprehensive Plan.

If you have any questions, please don't hesitate to contact me.

Sincerely,

**Anne Roane**  
City Planner  
Department of Infrastructure & Development  
City of Salisbury  
125 North Division St. Room 202  
Salisbury, MD 21801  
410-548-3170



[www.salisbury.md](http://www.salisbury.md)

Department of Infrastructure & Development  
125 N. Division St., #202 Salisbury, MD 21801  
410-548-3170 (fax) 410-548-3107  
[www.salisbury.md](http://www.salisbury.md)



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

**Infrastructure and Development  
Staff Report  
Planning and Zoning Commission  
Meeting of July 19, 2018**

**I. BACKGROUND INFORMATION:**

**Project Name:** Penntex Phase 2 Annexation

**Applicant/Owner:** Penntex Ventures LLC

**Infrastructure and Development Project No.:** 18-015

**Nature of Request:** Zoning Recommendation for Annexation Request-2.33 Acres

**Location of Property:** Northerly side of the City of Salisbury, on the easterly side of US Route 13, adjacent to and south of Leonard's Mill Pond.

**Tax Map and Parcel:** 0020/0153, 0185, 0215

**A. Introduction.**

The City Administration has referred Penntex Ventures, LLC's request for the annexation of three parcels located on to the northerly side of the City of Salisbury, on the easterly side of US Route 13, adjacent to and south of Leonard's Mill Pond to the Planning Commission for review and recommendation of an appropriate zoning designation. **(See Attachments #1)**

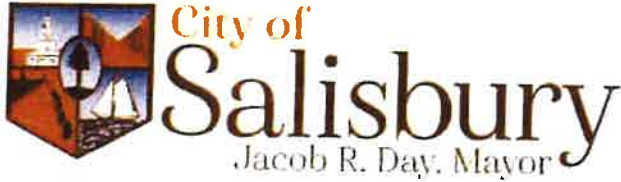
Under the procedures established by the Mayor and City Council in 1987, the zoning classification of the area will be included in the resolution that annexes the property to the City. Prior to this policy, annexations were conducted by resolution and the zoning category established by a separate ordinance on a separate time schedule. This policy now puts the zoning classification and annexation on the same schedule.

The applicant is requesting to zone all three parcels General Commercial.

**B. Area Description.**

This annexation area consists of three parcels 2.33 acres in size. Each parcel have structures that are to be removed **(See Attachment #2.)** The two parcels fronting Route 13 are existing commercial uses and parcel 215 is residential.





The site is adjacent to the Aldi grocery store which is zoned General Commercial.

**II. ZONING ANALYSIS.**

**A. Existing Zoning.**

The annexation area and the adjoining area to the north is zoned C-2 General Commercial under the County Code. (See Attachments #3)

**B. Zoning History.**

The proposed annexation area was zoned Commercial by the County on April 1, 1968. During the most recent Comprehensive Rezoning in September 2004, the area remained zoned C-2 General Commercial.

**C. County Plan.**

The 2017 County Comprehensive Plan designates this area as "Commercial".

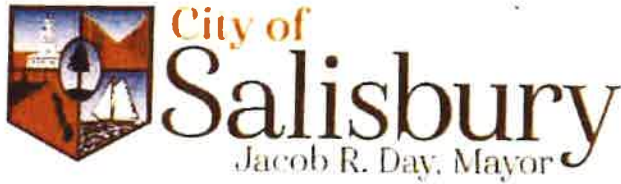
**D. Zoning for Annexed Areas.**

**1. Introduction.**

Current City policy requires that all areas to be annexed shall be submitted to the Salisbury-Wicomico Planning Commission for review and recommendation of an appropriate zoning district. The Zoning Code does not establish specific procedures for zoning lands to be annexed to the City of Salisbury. The classification of future City areas, therefore, is conducted consistent with local adopted plan recommendations and Maryland Annexation Law.

**2. Adopted Plans.**

The Planning Commission is a jointly established agency for both the City of Salisbury and Wicomico County. One of its basic charges is to prepare and recommend various plans guiding the long-range development of both jurisdictions.



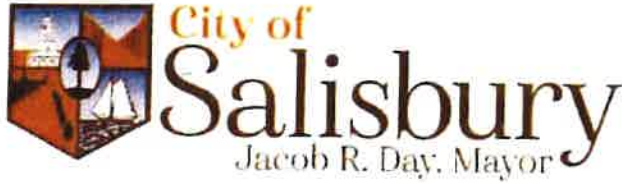
The information below summarizes the legal status of the plans currently in effect for Wicomico County and the City of Salisbury.

- a. The Salisbury Comprehensive Plan -The Salisbury City Council adopted the current Comprehensive Plan on July 12, 2010. That document includes land use policies for all lands within the Corporate Limits as well as a Municipal Growth Element addressing growth areas outside the Corporate Limits. The Land Use Map of the City Plan designates this area as a "Low-density residential". A proposed amendment to the Comprehensive Plan is included on this agenda to correct this mistaken designation.
- b. The Wicomico County Comprehensive Plan - The Wicomico County Council adopted its Plan on February 3, 1998. The Land Use Map of the County Comprehensive Plan designates this area as "Metro Core." The 2017 County Plan designates this area as "Commercial".

### 3. **Maryland Law.**

House Bill 1141 made two changes to Annexation Procedures that became effective October 1, 2006. They are:

1. **The Five-Year Rule.** First, the rule is applied solely on zoning. In the past, the five-year rule could be applied whenever a proposed new zoning classification was substantially different from the use envisioned "in the current and duly adopted master plan." The reference to the master plan is now gone and the issue becomes the degree of change from the current county zoning classification to the proposed municipal classification following the annexation. When the zoning change is from one residential zone to another, "substantially different" is now defined as a density change. The five-year rule will not kick in for a density change unless the proposed zoning is more dense by 50 percent.
2. **Annexation Plans Required.** An annexation plan is required that replaces the "outline" for the extension of services and public facilities prior to the public hearing for an annexation proposal. This section contains no additional language for the content of the



annexation plan to be adopted, but does require it to be consistent with the municipal growth element for any annexations that begin after October 1, 2009. The Plan must be provided to the county and the State (the Maryland Department of Planning) at least 30 days prior to the hearing.

### **III. DEVELOPMENT SCENARIO.**

#### **A. Proposed Use.**

The applicant is proposing to redevelop the three parcels for two restaurants. (See Attachment 4)

#### **B. Access.**

The property currently has two access points on Route 13. Upon redevelopment, the plan indicates one access point on Route 13 with a connection to the Aldi site, which has access from Dagsboro Road.

#### **C. Configuration and Design**

The annexation area is contiguous with the City boundary.

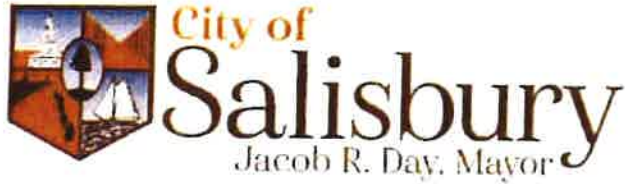
#### **D. Estimated Development Impacts.**

The development impact assessment traditionally pertains to a proposal for a residential development. This site is developed with a commercial facility and proposed for redevelopment as a restaurant use.

This site is located in the Paleochannel District. Review and approval of the Final Site Plan by the Planning Commission will be required by the Code.

### **VI. RECOMMENDATION.**

The specific purpose of the Planning Commission's review is to make a zoning recommendation for the annexation area that is currently zoned Commercial in the County. The adopted Salisbury Comprehensive Plan designates this area as "Low density



residential. General Commercial zoning is proposed for the property upon annexation to the City. An amendment to the Salisbury Comprehensive Plan will be required.

Staff recommends that the Planning Commission determine that the proposed zoning is consistent with the existing Wicomico County zoning in this area. Further, that the Commission forward a Favorable recommendation to the Mayor and City Council for this property to be zoned General Commercial upon annexation, contingent upon adoption of the associated Comprehensive Plan amendment.



400 Penn Center Boulevard, Building 4  
Suite 1000  
Pittsburgh, PA 15235

T: 724-420-5367  
F: 724-420-5369

June 4, 2018

City of Salisbury  
Department of Building, Permitting & Inspections  
Attention: Mr. William T. Holland, Director  
125 North Division Street  
Salisbury, MD 21801

Re: **Annexation Petition**  
**2815, 2825, 2835 N. Salisbury Blvd. Properties**  
**Map 20 – Grid 24 – Units 153, 185, 215**  
**City of Salisbury, Wicomico County, Maryland**

Dear Mr. Holland,

We are pleased to submit the above referenced project site for consideration of Annexation within the City of Salisbury jurisdiction. The site measures approximately 2.33(+/-) acres; is zoned Commercial in the Wicomico County jurisdiction; is contiguous to the City of Salisbury boundary and is currently mostly commercial in use but for Unit 215 which is a residential use.

We are proposing demolition of all existing structures and improvements located on the properties and construction of two (2) free-standing commercial buildings (restaurants) along with customary amenities and improvements including parking facilities, stormwater management facilities, access driveways, landscaping, utilities and the like.

In regard to the City of Salisbury and Annexation Team meeting, please find enclosed the following materials for your review and consideration:

1. One (1) executed copy of the "City of Salisbury – Petition for Annexation"
2. One (1) "Preliminary Site Layout – Requested Annexation Area" plan prepared by PennTex Ventures, LLC; dated May 25, 2018.
3. One (1) Check payable to "City of Salisbury" in the amount of \$2,000.00.

Through prior correspondence with Ms. Amanda Pollack it is our understanding that our request has been tentatively scheduled for discussion and consideration at a work session meeting to occur on June 18, 2018. Be advised that members of our team intend to be present at such meeting and look forward to discussing our request in greater detail at that time.

ATTACHMENT 1



400 Penn Center Boulevard, Building 4  
Suite 1000  
Pittsburgh, PA 15235

T: 724-420-5367  
F: 724-420-5369

Upon your review of the above and attached, should you require any further materials or have any questions, comments or concerns, please do not hesitate to call or email us at your convenience.

Sincerely,

PTV I, LLC (Equitable Owner/Applicant)

By:

A handwritten signature in blue ink, appearing to read "W. R. Owen", written over a horizontal line.

William R. Owen, Project Design Manager

(enc.)

Cc: T. Donald, EVP – PTV – Via email only  
E. Donald, VP – PTV – Via email only  
S. Roddy, Project Coordinator – PTV – via email only  
J. Busch, Assistant Project Coordinator – PTV – via email only

# City of Salisbury



JACOB R. DAY  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

MARYLAND




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

AMANDA H. POLLACK, P.E.  
DIRECTOR OF INFRASTRUCTURE  
& DEVELOPMENT

## CERTIFICATION

### NORTH SALISBURY BLVD. – PENTEX PHASE 2 ANNEXATION

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.

  
Leslie C. Sherrill  
Surveyor

Date: 6/19/18

N Salisbury Blvd. – Pentex Phase 2 Certif.

# CITY OF SALISBURY

# PETITION FOR ANNEXATION

**To the Mayor and Council of the City of Salisbury:**

**I/We request annexation of my/our land to the City of Salisbury.**

Parcel(s) # 153 - 2815 N. SALISBURY BLVD.

185 - 2825 N. SALISBURY BLVD.

215- 2835 N. SALISBURY BLVD.

Map # 20 - GRID 24

**SIGNATURE (S)**

f) 

5/25/18

Date \_\_\_\_\_

WILLIAM R. OWEN  
PROJECT DESIGN MANAGER

Date \_\_\_\_\_

ON BEHALF OF:

PTV I, LLC

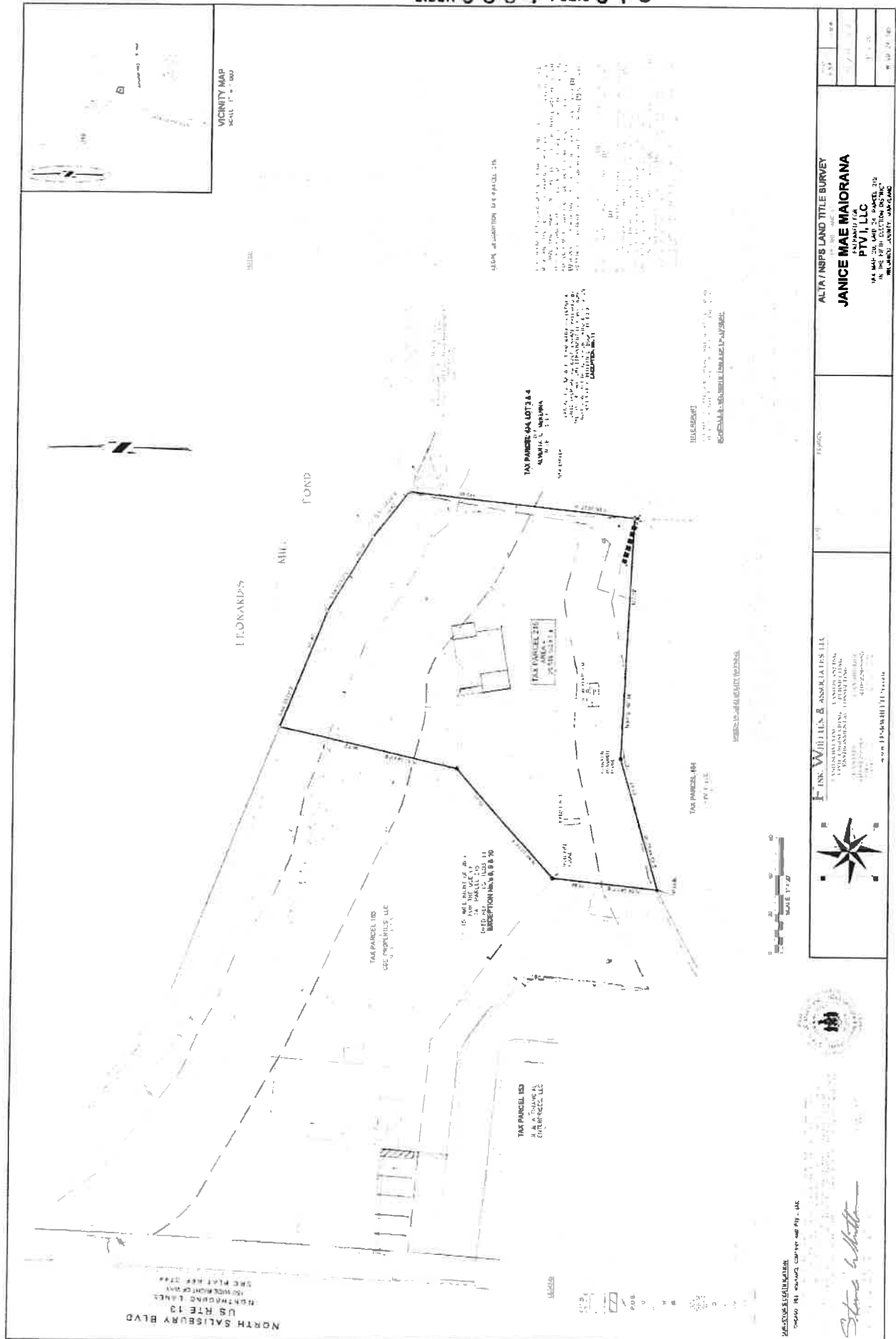
Date \_\_\_\_\_

(EQUITABLE OWNER OF ALL PARCELS NOTED)

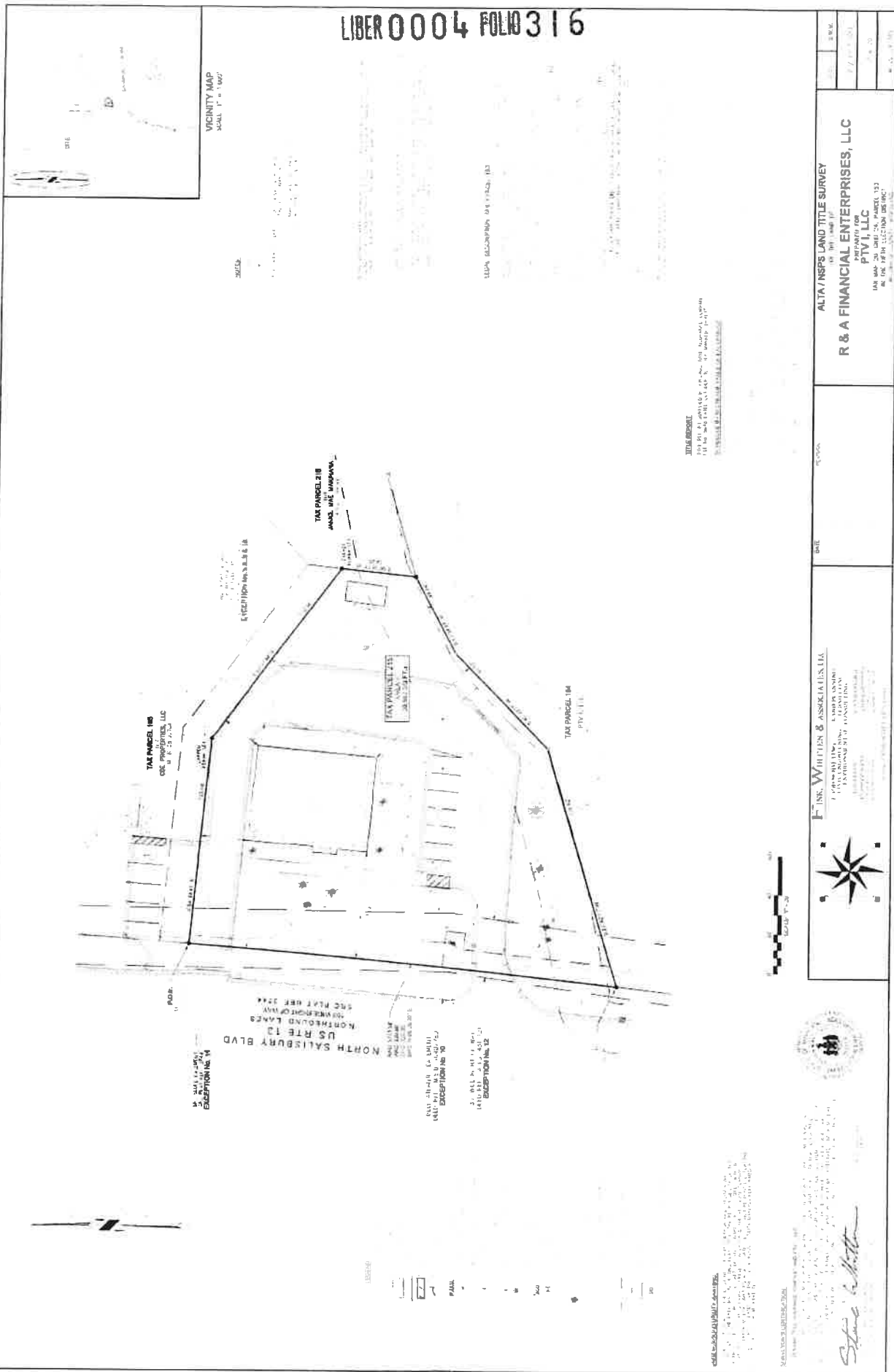
Date \_\_\_\_\_







<b>ALTA / NPS LAND TITLE SURVEY</b> <b>JANICE MAE MAIORANA</b> <b>PTVI LLC</b> 14 MAY 2014, PARCEL 103 IN THE 10TH ELECTION DISTRICT OF THE COUNTY OF JEFFERSON, MISSOURI	
<b>F. W. WHITE &amp; ASSOCIATES, LLC</b> 1000 N. 10TH ST., SUITE 100 OMAHA, NE 68102 (402) 466-1111 www.fwwhite.com	1000 N. 10TH ST., SUITE 100 OMAHA, NE 68102 (402) 466-1111 www.fwwhite.com



**TITLE REPORT**  
 THIS REPORT IS PREPARED FOR THE CLIENT'S INFORMATION ONLY. IT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CLIENT IS RESPONSIBLE FOR THE VERIFICATION OF THE INFORMATION CONTAINED HEREIN.



**ENGINEERING & SURVEYING, LLC**  
 11111 WILSON ROAD, SUITE 100  
 GREENBELT, MARYLAND 20814  
 TEL: 301-441-1111  
 FAX: 301-441-1112  
 WWW: WWW.ENGSURV.MD

**DATE**  
 10/1/2010

**ALTA / NPS LAND TITLE SURVEY**  
**R & A FINANCIAL ENTERPRISES, LLC**  
 PTV LLC  
 JAN MAR 2010 LOT 24, PARCEL 103  
 IN THE 18TH LECTON DISTRICT

DATE	10/1/2010
BY	10/1/2010
BY	10/1/2010
BY	10/1/2010

*Spice & White*

Surveyor's Seal

Surveyor's Seal



# LEGEND

- 6000 ft Airport Turning Radius
- Municipal Areas
- Resource Conservation Districts
  - A-1 Agricultural - Rural
  - VC Village Conservation
- Residential Districts
  - R-8 Residential
  - R-15 Residential
  - R-20 Residential
  - R-30 Residential
  - REC Residential, Educational & Cultural
  - TT Town Transition
- Commercial Districts
  - C-1 Select Commercial
  - C-2 General Commercial
  - C-3 Regional Commercial
- Institutional, Business and Industrial Districts
  - LB-1 Light Business & Institutional
  - LB-2 Light Business & Residential
  - AB Airport Business
  - I-1 Light Industrial
  - I-2 Heavy Industrial
- Overlay Districts
  - A-2 Airport Overlay
  - CBCA Chesapeake Bay Critical Area
  - HP Historic Preservation
  - Neighborhood Preservation
  - Paleochannel
- Legislatively Approved Floating Districts
  - CID Corporate Industrial



<b>preliminary site layout</b> (requested annexation area)		2015/2020/2025 NORTH SALISBURY BLVD. SALISBURY, MD 21801	
PROJECT NO.	DRVELOPER	DESIGNER	
BLDG. NO.	COMPANY: PRINTER VENTURES LLC	COMPANY: PRINTER VENTURES LLC	
ACREAGE: 2.33 AC.	NAME: TIM WEBERMAN	NAME: WILLIAM OWEN	
PARKING SPACES: 139 SPACES	PHONE: 724-420-2227	PHONE: 724-420-3347	

**SITE SUMMARY:**

Site Area: 2.33 acres  
Parking: 139 spaces



Received for Record MAY 29 2019 and  
recorded in the \* of Wicomico \* City of Salisbury  
County, Maryland in Liber J.B.M.  
No. 4 Folios 291-318 Ordinance & Resolutions  
*Jan B. McArthur* Clerk

## MUNICIPAL CHARTER OR ANNEXATION RESOLUTION REPOSITION FORM

Article 23A, § 9A of the Annotated Code of Maryland requires municipal officials to deposit certain municipal documents with the Department of Legislative Services. Please use this registration form for each resolution that alters the charter or the boundaries of your municipal corporation. Complete a separate form for each resolution, and mail the entire text of the resolution, along with this form to:

Georgianne Carter, Legislative Counsel  
Municipal Resolution Reposition  
Department of Legislative Services  
90 State Circle  
Annapolis, MD 21401-1991

City of Salisbury  
Municipal Corporation

Wicomico  
County(ies)

Kimberly R. Nichols, City Clerk  
Name and Title of Official Submitting this Resolution

125 N. Division St.  
Address

410-548-3140  
Phone

Room 305

5-28-19  
Date of Submitting this Resolution\*

Salisbury, MD 21801

2927  
Resolution Number

March 11, 2019  
Date Enacted by Legislative Body

May 24, 2019  
Effective Date\*\*

1) For an annexation resolution, state the charter section (e.g., boundary description section, appendix) that is amended \_\_\_\_\_ OR state the charter section (e.g., general powers section) pursuant to which the property is annexed SC1-2. (Enclose a copy of the metes and bounds description of the complete boundaries of your municipal corporation that includes the newly annexed property, including the number of acres and the point of beginning coordinates for the newly annexed property.)

For a charter resolution, state whether the entire charter is repealed and a new charter is adopted \_\_\_\_\_ OR state the specific section(s) that is added, repealed, renumbered, or repealed and reenacted with amendments \_\_\_\_\_.

2) Number of votes cast by the legislative body for 4 and against 1 this resolution.

3) Will this resolution be petitioned to referendum? NO

If "yes", date of the referendum election (if known) \_\_\_\_\_.

\* A resolution should be submitted to the Department of Legislative Services 10 days after the effective date of the resolution (Art. 23A, § 9A(c)). Generally, provided that a resolution is not petitioned to referendum, the effective date for a charter resolution is 50 days after enactment (Art. 23A, § 13(f), and for an annexation resolution is no earlier than 45 days after enactment (Art. 23A, § 19(e)).



400 Penn Center Boulevard, Building 4  
Suite 1000  
Pittsburgh, PA 15235  
T: 724-420-5367  
F: 724-420-5369

June 4, 2018

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Attention: Mr. William T. Holland, Director  
125 North Division Street  
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Re: Annexation Petition  
2815, 2825, 2835 N. Salisbury Blvd. Properties  
Map 20 – Grid 24 – Units 153, 185, 215  
City of Salisbury, Wicomico County, Maryland

Dear Mr. Holland,

We are pleased to submit the above referenced project site for consideration of Annexation within the City of Salisbury jurisdiction. The site measures approximately 2.33(+/-) acres; is zoned Commercial in the Wicomico County jurisdiction; is contiguous to the City of Salisbury boundary and is currently mostly commercial in use but for Unit 215 which is a residential use.

We are proposing demolition of all existing structures and improvements located on the properties and construction of two (2) free-standing commercial buildings (restaurants) along with customary amenities and improvements including parking facilities, stormwater management facilities, access driveways, landscaping, utilities and the like.

In regard to the City of Salisbury and Annexation Team meeting, please find enclosed the following materials for your review and consideration:

1. One (1) executed copy of the "City of Salisbury – Petition for Annexation"
2. One (1) "Preliminary Site Layout – Requested Annexation Area" plan prepared by Penntex Ventures, LLC; dated May 25, 2018.
3. One (1) Check payable to "City of Salisbury" in the amount of \$2,000.00.

Through prior correspondence with Ms. Amanda Pollack it is our understanding that our request has been tentatively scheduled for discussion and consideration at a work session meeting to occur on June 18, 2018. Be advised that members of our team intend to be present at such meeting and look forward to discussing our request in greater detail at that time.



400 Penn Center Boulevard, Building 4  
Suite 1000  
Pittsburgh, PA 15235  
T: 724-420-5367  
F: 724-420-5369

Upon your review of the above and attached, should you require any further materials or have any questions, comments or concerns, please do not hesitate to call or email us at your convenience.

Sincerely,

PTV I, LLC (Equitable Owner/Applicant)

By:

A handwritten signature in black ink, appearing to read "W. R. Owen", written over a horizontal line.

William R. Owen, Project Design Manager

(enc.)

Cc: T. Donald, EVP – PTV – Via email only  
E. Donald, VP – PTV – Via email only  
S. Roddy, Project Coordinator – PTV – via email only  
J. Busch, Assistant Project Coordinator – PTV – via email only



# Memorandum

**To:** Amanda Pollack, Director, City of Salisbury Department of Infrastructure & Development  
**From:** Michael P. Sullivan, Esq.  
**Date:** 10/8/2018  
**Re:** *Fiscal Impact* – PTV I, LLC; North Salisbury Boulevard Annexation

PTV I, LLC (“PTV”) filed a Petition for Annexation (the “**Petition**”), dated May 25, 2018, with the City of Salisbury (the “**City**”), requesting the City annex the following parcels of lands:

- All that certain real property identified as Map 0020, Grid 0024, Parcel 0153, consisting of .92 acres more or less, and having a premises address of 2815 N. Salisbury Blvd., Salisbury, Maryland 21801 (Tax Identification Number of 05-029651) (“**Parcel 153**”);
- All that certain real property identified Map 0020, Grid 0024, Parcel 0185, consisting of 1.07 acres more or less, having a premises address of 2825 N. Salisbury Blvd., Salisbury, Maryland 21801 (Tax Identification Number of 05-032504) (“**Parcel 185**”); and,
- All that certain real property identified as Map 0020, Grid 0024, Parcel 0215, consisting of 25,303.54 square feet more or less, having a premises address of 2835 N. Salisbury Blvd., Salisbury, Maryland 21801 (Tax Identification Number of 05-093228) (“**Parcel 215**”).

(For purposes of this Memorandum, Parcel 153, Parcel 185 and Parcel 215 are hereinafter referred to collectively as the “**Annexed Property**”; and, the City’s annexation of the Annexed Property, as requested in the Petition filed by PTV, is hereinafter referred to as the “**PTV – N. Salisbury Blvd. Annexation**”). If approved, the PTV – N. Salisbury Blvd. Annexation will add 2.5+/- acres of land to the municipal boundaries of the City, which will be zoned as “General Commercial” under the Code for the City of Salisbury (the “**City Code**”). The proposed PTV – N. Salisbury Blvd. Annexation is expected to have an overall net positive fiscal impact on the City of \$8,313.60 annually. This Memorandum is intended to summarize the costs the City is estimated to incur and the revenues the City is estimated to generate from the proposed PTV – N. Salisbury Blvd. Annexation.

## Cost to the City:

Cost projections are based on a snapshot marginal cost approach. The current level of service (derived from the approved FY2019 Budget) is used to project new costs, using demand unit multipliers, which reflect how responsive a cost is to demand – i.e., how much the costs incurred by the City for providing a service are likely to vary with each additional household or job (in the present case of the PTV – N. Salisbury Blvd. Annexation, cost projections are limited solely to jobs added by the subject annexation, since development of the Annexed Property, as planned by PTV, will be exclusively commercial). Some portion of all public services provided by the City is fixed, therefore, the cost to the City for providing such public services will remain constant regardless of new development; accordingly,

October 8, 2018

for purposes of this cost projection, the portion of such fixed costs is not assigned to new development arising from the PTV – N. Salisbury Blvd. Annexation. In light of such considerations, the annual costs to the City for the PTV – N. Salisbury Blvd. Annexation is estimated to be approximately \$14,300+/-.

**Revenues to the City:**

When land is annexed into the City, such land is subject to the municipal real property tax levied and imposed by the City. The municipal real property tax is applied to the value of land and improvements located thereon. Under the City's FY2019 Budget, the municipal real property tax rate is set at \$0.9832 per \$100 of assessed value. Since the actual assessed value of the improvements PTV has proposed for development upon the Annexed Property is unknown, this Memorandum estimates the assessed value of the Annexed Property, once developed as PTV has proposed, by computing the average assessed value of multiple comparable properties located within the municipal boundaries of the City. The source for the assessed values is Maryland's State Department of Assessments and Taxation.

Under PTV's proposed concept development plan, the Annexed Property would be developed for two free-standing restaurants, totaling more than 10,000+/- square feet of improvements. Once fully developed, the aggregate assessed value of the Annexed Property is estimated to be approximately \$2,300,000. Using the real property tax rate adopted by the City for its FY2019 Budget, the City's total expected annual revenue from municipal real property taxes levied on the Annexed Property (after its full development) is estimated to be \$22,613.60+/-.

It is difficult to make reliable projections about the activities of future businesses that may occupy new development projects. For this reason, the personal property tax receipts likely to accrue from future businesses operated within the Annexed Property are not included as part of the analysis contained in this Memorandum. Accordingly, the fiscal impact set forth in this Memorandum undercounts the total revenue the City can project from the Annexed Property once fully developed. It is also important to note: upon annexation of the Annexed Property (regardless of its development), the City can begin receiving some revenue from municipal real property taxes levied upon the Annexed Property. These property tax revenues – which would typically occur prior to development of the Annexed Property (and, hence, before the City incurs costs to provide certain public services for the Annexed Property) – are not included for purposes of the fiscal impact study set forth in this Memorandum.

Lastly, the City imposes certain user fees, license fees and permitting fees, which the City charges to applicants for permits and/or users of certain public services provided by the City. The revenues from these various fees are relatively small compared to the revenue generated by the City's municipal real property tax, and such fee revenue is not included for purposes of the fiscal impact study set forth in this Memorandum.

**Conclusion:**

Upon completion of PTV's proposed development of the Annexed Property, the PTV – N. Salisbury Blvd. Annexation will result in a positive fiscal impact to the City of approximately \$8,313.60 per year in constant 2018 dollars.



400 Penn Center Boulevard, Building 4  
Suite 1000  
Pittsburgh, PA 15235  
T: 724-420-5367  
F: 724-420-5369

August 9, 2018

Ms. Julia Glanz, City Administrator  
City of Salisbury Government Office Building  
P.O. Box 870  
Salisbury, MD 21803

Re: Annexation Petition  
2815, 2825, 2835 N. Salisbury Blvd. Properties  
Map 20 – Grid 24 – Units 153, 185, 215  
City of Salisbury, Wicomico County, Maryland

Dear Ms. Glanz,

Pursuant to executed Agreements of Sale ("Agreements") between the Owners of the above noted parcels and PTV I, LLC ("Buyer"), a limited liability company organized and existing under the laws of the Commonwealth of Pennsylvania and authorized to do business in the State of Maryland, located at 400 Penn Center Boulevard, Building 4 – Suite 1000, Pittsburgh, PA 15235, its successors and assigns; Buyer provides this letter, in conjunction with previously submitted materials including an executed Petition for Annexation, as indication that the parties (Sellers and Buyer) mutually intend to move forward with the annexation of the above noted properties into the City of Salisbury; subject to an annexation agreement.

Buyer intends to enter into a final Annexation Agreement and is permitted to do so by the Sellers by virtue of the Agreements.

Sincerely,

PTV I, LLC (Equitable Owner/Applicant)

By:

A handwritten signature in blue ink, appearing to read "William R. Owen", written over a horizontal line.

William R. Owen, Project Design Manager

Cc: T. Donald, EVP – PTV – Via email only  
E. Baker, VP – PTV – Via email only  
S. Roddy, Project Coordinator – PTV – via email only  
J. Busch, Assistant Project Coordinator – PTV – via email only

# CITY OF SALISBURY

## PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

I/We request annexation of my/our land to the City of Salisbury.

Parcel(s) # 153 - 2815 N. SALISBURY BLVD.  
185 - 2825 N. SALISBURY BLVD.  
215 - 2835 N. SALISBURY BLVD.  
Map # 20 - GRID 24

SIGNATURE (S)



5/25/18

Date

WILLIAM R. OWEN  
PROJECT DESIGN MANAGER

Date

ON BEHALF OF:

PTV I, LLC

Date

(EQUITABLE OWNER OF ALL PARCELS NOTED)

Date