

RESOLUTION NO. 2953

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY TO ADJUST CITY STREET RIGHT OF WAY BY EXCHANGING CERTAIN SECTIONS OF LAND WITH 500 RIVERSIDE REALTY, LLC NEAR THE INTERSECTION OF MILL STREET, RIVERSIDE DRIVE, CAMDEN AVENUE AND WEST CARROLL STREET.

WHEREAS, the City of Salisbury owns all public streets including those which border the southern and eastern portions of the real property owned by 500 Riverside Realty LLC and has an existing right of way on the property as shown on a plat entitled "Survey of the Lands to be Acquired by Spiro Investments, LLC" dated May 1, 2004, made by Becker Morgan Group recorded in the Land Records of Wicomico County, Maryland in Plat Cabinet No. 14, Folio 620; and

WHEREAS, the City of Salisbury was deeded rights to Mill Street by the State Roads Commission of Maryland Board of Public Works of Maryland by Deed dated October 20, 1965 and recorded among the Land Records of Wicomico County, Maryland in Liber 620, Folio 155; and

WHEREAS, 500 Riverside Realty, LLC acquired its property, Map 0111, Parcel 1500 by deed dated January 31, 2017 from Devreco, LLC and is the fee simple owner of the property as shown by the deed recorded in the Land Records of Wicomico County, Maryland in Liber 4119, Folio 419 which property abuts the public streets of the City of Salisbury, Maryland namely Riverside Drive and Mill Street; and

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

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

WHEREAS, the City of Salisbury requested the lot line adjustment and shall be responsible for all costs associated with preparing the necessary paperwork and all charges connected to the property line adjustment filing and recording; and

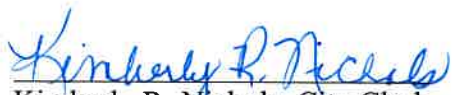
WHEREAS, all drafted paperwork shall be approved by the City Solicitor before being signed by the Mayor.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Salisbury, Maryland does hereby agree to adjust the street right of way line at 500 Riverside Realty, LLC, Salisbury, Maryland 21801 by exchanging small sections of land with the adjacent property owner of 500 Riverside Realty, LLC, Salisbury, Maryland 21801 as shown on the attached Plat entitled "Lands to be Acquired by the City of Salisbury for a Proposed Traffic Circle" dated 05/14/2019.


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

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 10th day of June 2019 and is to become effective immediately upon adoption.

ATTEST:

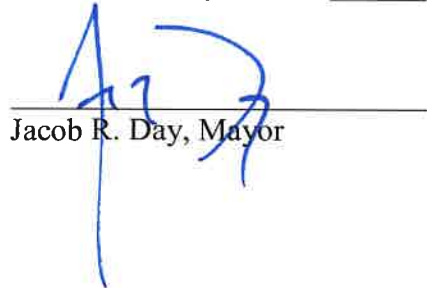


Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

APPROVED by me this 11th day of JUNE, 2019



Jacob R. Day, Mayor

THIS DEED ADJUSTING LOT/RIGHT OF WAY LINES and DEED OF TEMPORARY CONSTRUCTION EASEMENT ("this Deed"), dated _____, 2019, is made by and between City of Salisbury, Maryland, a body politic and corporate and a political subdivision of the State of Maryland and 500 Riverside Realty, LLC, a Maryland limited liability company in good standing.

EXPLANATORY STATEMENT

A. City of Salisbury, Maryland is in the process of constructing a traffic circle in the area of the intersection of Mill Street, Riverside Drive, Camden Avenue and W. Carroll Street. 500 Riverside Realty, LLC owns a parcel of real property along the southern portion of the Wicomico River, which property extends to the northern portions of Riverside Drive and Mill Street. City of Salisbury, Maryland owns and/or is in control of the public streets bordering said property and has an existing right of way along the public streets onto the property, which needs to be reconfigured.

B. 500 Riverside Realty, LLC acquired its property, Map 0111, Parcel 1500 by deed dated January 31, 2017 from Devreco, LLC and is the fee simple owner of the property as shown by the deed recorded in the Land Records of Wicomico County, Maryland in Liber 4119, Folio 419 which property abuts the public streets of the City of Salisbury, Maryland, namely Riverside Drive and Mill Street.

C. City of Salisbury, Maryland, a body politic and corporate and a political subdivision of the State of Maryland has charge and control over all public streets pursuant to Article XI- Public Ways and Sidewalks of its Charter, including those which border the southern and eastern portions of the real property owned by 500 Riverside Realty, LLC and has an existing right of way on the property as shown on a plat entitled "Survey of the Lands to be Acquired by Spiro Investments, LLC" dated May 1, 2004, made by Becker Morgan Group and recorded among the Land Records of Wicomico County, Maryland in Plat Cabinet No. 14, Folio 620.

D. City of Salisbury, Maryland was deeded rights to Mill Street by the State Roads Commission of Maryland Board of Public Works of Maryland by Deed dated October 20, 1965 and recorded among the Land Records of Wicomico County, Maryland in Liber 620, Folio 155 and as shown on the referenced plat number 32693 entitled *State Roads Commission of Maryland Extension of Mill Street from North of West Main Street to Riverside Drive* dated September 27, 1965.

E. The attached Exhibit "A" (the "Plat") entitled *Lands to be Acquired by the City of Salisbury for a Proposed Traffic Circle dated May 14, 2019*, is incorporated herein by reference and shows the lot/right of way lines that will be altered and/or exchanged between the parties.

F. Pursuant to the aforementioned Plat, the lot/right of way lines of Parcel 1500 belonging to 500 Riverside Realty, LLC are adjusted as shown on the Plat and the City of Salisbury, Maryland's right of way along the Riverside Drive and Mill Street property border is adjusted pursuant to the Plat as well.

G. The attached Plat also contains marked areas whereby 500 Riverside Realty, LLC grants to the City of Salisbury, Maryland a temporary construction easement which will be extinguished upon the completion of the construction of the traffic circle project, which is to occur and which temporary easement area is not further described below, but is shown on the attached Plat and whereby the City of Salisbury, Maryland is granted the authority to enter upon and construct, erect, extend, operate, replace, relocate, and repair the proposed walkways, sidewalks and traffic circle on the real property referenced above and as further shown on the plat.

NO TITLE SEARCH REQUESTED OR PERFORMED

NOW, THEREFORE, WITNESSETH, that in consideration of the foregoing Explanatory Statement and other good and valuable consideration, there being no actual monetary consideration (\$0.00) paid or to be paid in connection with this Deed, the parties hereto hereby agree to amend the lot/right of way lines of their respective land holdings as outlined below as follows:

ITEMS TO BE ADDED TO THE CITY OF SALISBURY, MARYLAND RIGHT OF WAY PURSUANT TO THE PLAT

ITEM ONE (To Become Part of City of Salisbury Riverside Drive Right of Way)

Beginning at a point being North 66°49'44" West a distance of 12.24 feet from the intersection of the westerly right of way line of Mill Street and the westerly right of way line of Riverside Drive. Thence (1) by and with the westerly right of way line of the said Mill Street South 66°49'44" East a distance of 12.24 feet to a point at the beginning of a curve on the westerly right of way line of Riverside Drive. Thence (2) with said right of way line and curve to the right, having a radius of 400.00 feet and a length of 100.59 feet, a chord bearing of South 42°47'50" West a chord distance of 100.32 feet to a point. Thence (3) South 49°56'59" West a distance of 63.69 feet to a point. Thence (4) leaving the existing westerly right of way line of Riverside Drive North 39°53'28" West a distance of 4.41 feet to a point. Thence (5) North 50°06'32" East a distance of 88.62 feet to a point at the beginning of a curve. Thence (6) by and with said curve to the left, having a radius of 45.00 feet and a length of 11.35 feet, a chords bearing of North 42°52'57" East a chord distance of 11.32 feet to a point. Thence (7) North 35°27'35" East a distance of 23.52 feet to a point. Thence (8) North 30°37'37" East a distance of 10.00 feet to a point. Thence (9) South 62°07'30" East a distance of 5.00 feet to a point at the beginning of a curve. Thence (10) by and with said curve to the left, having a radius of 109.71 feet and a length of 27.30 feet, a chord bearing of North 20°42'40" East a chord distance of 27.30 feet to the point of beginning. Herein described ITEM ONE containing 886 square feet, more or less.

ITEM THREE (To Become Part of City of Salisbury Mill Street Right of Way)

Beginning at a point on the westerly right of way line of Mill Street at the northerly corner of the below mentioned and described ITEM TWO. Thence (1) with a curve to the right, having a radius of 91.42 feet and a length of 33.92 feet, a chord bearing of North 35°15'25" East a chord distance of 33.72 feet to a point. Thence (2) by and with the said line of Mill Street South 35°15'25" West a distance of 33.72 feet to the point of beginning. Herein described ITEM THREE containing 35 square feet, more or less.

ITEMS TO BE ADDED TO THE PROPERTY OF 500 RIVERSIDE REALTY, LLC PURSUANT TO THE PLAT

ITEM TWO (To Become Part of 500 Riverside Realty, LLC Property in Fee Simple)

Beginning at a point being North 66°49'44" West a distance of 12.24 feet from the intersection of the westerly right of way line of Mill Street and the westerly right of way line of Riverside Drive. Said point being the northwesterly corner of ITEM ONE as described above. Thence (1) by and with the westerly right of way line of the said Mill Street North 67°10'37" West a distance of 11.71 feet to a point. Thence (2) North 35°12'37" East a distance of 34.42 feet to a point at the beginning of a non-tangent curve. Thence (3) by and with said curve to the left, having a radius of 92.50 feet and a length of 25.32 feet, a chord bearing of South 16°54'43" West a chord distance of 25.24 feet to a point of reverse curve. Thence (4) with said curve to the left, having a radius of 110.00 feet and a length of 8.69 feet, a chord bearing of South 11°19'58" West a chord distance of 8.69 feet to the point of beginning. Herein described ITEM TWO containing 172 square feet, more or less.

ITEM FOUR (To Become Part of 500 Riverside Realty, LLC Property in Fee Simple)

Beginning at a point being on the westerly right of way line of Mill Street. Thence (1) by and with the said line of Mill Street North 32°45'19" East a distance of 76.91 feet to a point at the northeasterly corner of the land of 500 Riverside Realty, LLC. Thence (2) by and with an extension of the said 500 Riverside Realty, LLC, line North 36°02'52" East a distance of 6.25 feet to a point at the beginning of a non-tangent curve. Thence (3) by and with said curve to the right, having a radius of 102.56 feet and a length of 60.90 feet, a chord bearing of South 26°14'03" West a chord distance of 60.01 feet to a point. Thence (4) South 38°29'42" West a distance of 11.88 feet to a point. Thence (5) North 72°54'17" West a distance of 11.90 feet to the point of beginning. Herein described ITEM FOUR containing 899 square feet, more or less.

BEING portions of the same properties described or referenced in the Explanatory Statement as recorded among the Land Records of Wicomico County, Maryland.

SUBJECT TO ALL covenants, conditions, restrictions, easements, and encumbrances of record.

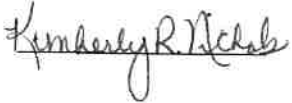
TOGETHER WITH all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances, and advantages belonging or appertaining thereto.

TO HAVE AND TO HOLD the properties and rights of way hereby conveyed by and between City of Salisbury, Maryland, a body politic and corporate and a political subdivision of the State of Maryland and 500 Riverside Realty, LLC, their successors and assigns, in fee simple, forever.

AND the said City of Salisbury, Maryland, a body politic and corporate and a political subdivision of the State of Maryland and 500 Riverside Realty, LLC do hereby covenant that they have not done nor suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that they will warrant specially the property granted, and that they will execute such other and further assurances of the same as may be necessary and requisite.

WITNESS the hands and seals of the parties.

WITNESS:



CITY OF SALISBURY, MARYLAND


By: Jacob R. Day, Mayor

500 RIVERSIDE REALTY, LLC

By:
Managing Member

STATE OF MARYLAND, (COUNTY) COUNTY, TO WIT: Wicomico

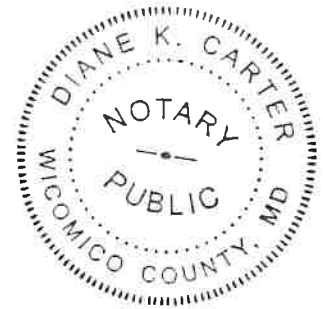
I HEREBY CERTIFY that on this 11th day of June, 2019 before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Jacob R. Day, Mayor, and he acknowledged the foregoing Deed to be his act and deed in his official capacity for the City of Salisbury, MD.

AS WITNESS my hand and Notarial Seal.

Diane K. Carter

Notary Public

My Commission Expires: 5-16-22



STATE OF MARYLAND, (COUNTY) COUNTY, TO WIT:

I HEREBY CERTIFY that on this ___ day of _____, 2019 before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, and he acknowledged the foregoing Deed to be his act on behalf of 500 Riverside Realty, LLC in his capacity as a Managing Member on behalf of the company.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires:

CERTIFICATION

“The undersigned hereby certify under penalties of perjury that, as defined by Section 10-912 of the Tax-Property Article of the Annotated Code of Maryland, the total payment actually paid to the undersigned, including the fair market value of any property transferred to the undersigned as part of this transfer, was \$0.00.”

500 Riverside Realty, LLC

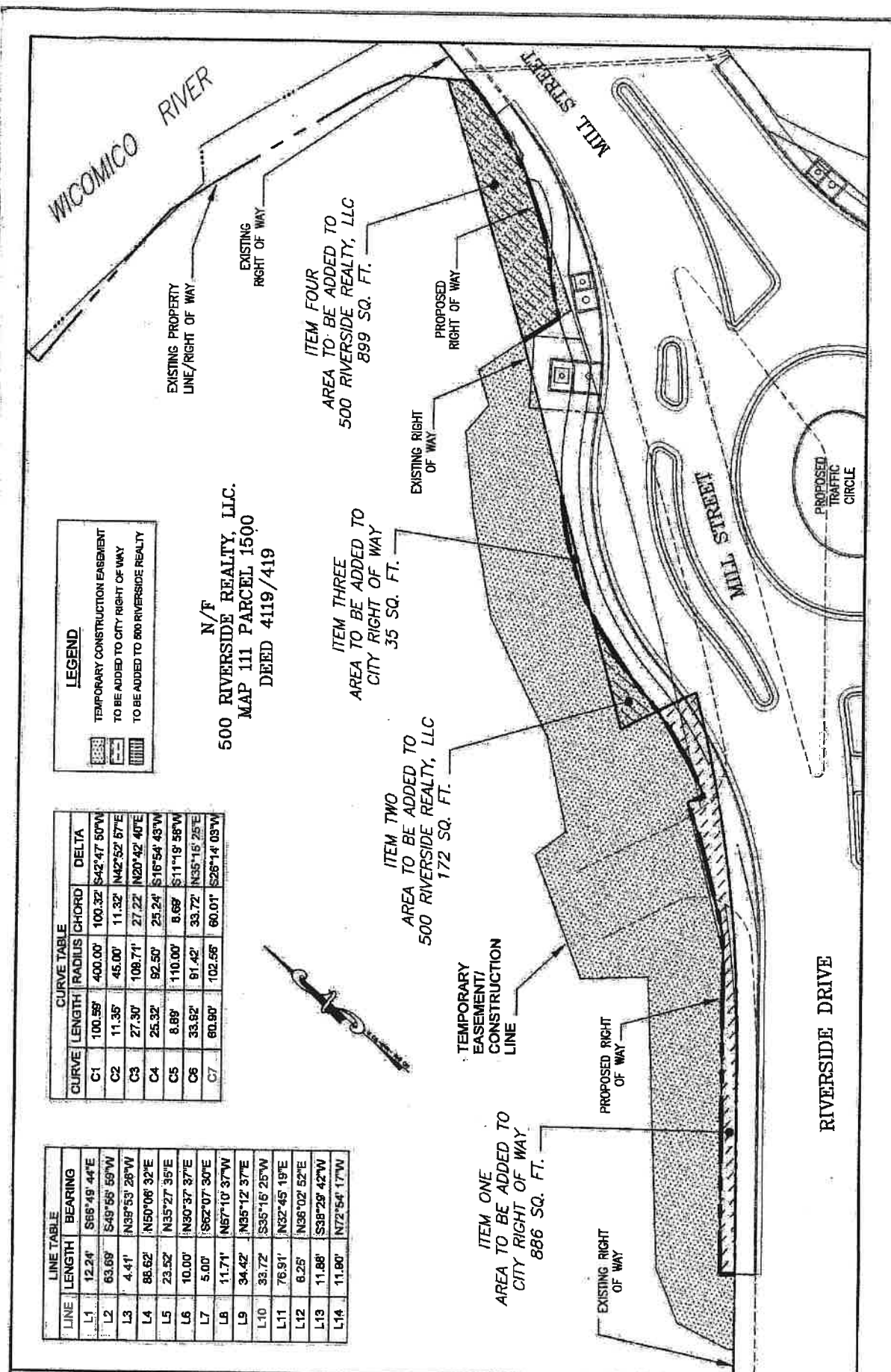
City of Salisbury, Maryland

By:
Managing Member

Jacob R. Day
By: Jacob R. Day, Mayor

I HEREBY CERTIFY that the foregoing Deed was prepared by or under the supervision of an attorney licensed to practice law in the State of Maryland.

S. Mark Tilghman, Esquire
City Solicitor for City of Salisbury



LEGEND
 [Symbol] TEMPORARY CONSTRUCTION EASEMENT
 TO BE ADDED TO CITY RIGHT OF WAY
 [Symbol] TO BE ADDED TO 800 RIVERSIDE REALTY

N/F
 500 RIVERSIDE REALTY, LLC.
 MAP 111 PARCEL 1500
 DEED 4119/419

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	DELTA
C1	100.58'	400.00'	100.32'	S42°47'50"W
C2	11.35'	45.00'	11.32'	N42°52'57"E
C3	27.30'	108.71'	27.22'	N20°42'40"E
C4	25.32'	92.50'	25.24'	S16°54'43"W
C5	8.88'	110.00'	8.69'	S11°19'58"W
C6	33.82'	81.42'	33.72'	N35°16'25"E
C7	60.90'	102.56'	60.01'	S28°14'03"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	12.24'	S68°49'44"E
L2	63.89'	S48°56'59"W
L3	4.41'	N38°53'28"W
L4	88.62'	N50°08'32"E
L5	23.52'	N35°27'35"E
L6	10.00'	N30°37'37"E
L7	5.00'	S62°07'30"E
L8	11.71'	N57°10'37"W
L9	34.42'	N35°12'37"E
L10	33.72'	S35°16'25"W
L11	76.91'	N32°45'19"E
L12	6.25'	N38°02'52"E
L13	11.88'	S38°29'42"W
L14	11.80'	N72°54'17"W



CITY OF SALISBURY
 DEPARTMENT OF
 INFRASTRUCTURE
 & DEVELOPMENT

EXHIBIT "A"
**LANDS TO BE ACQUIRED
 BY THE CITY OF SALISBURY
 FOR A PROPOSED TRAFFIC CIRCLE**

DWG. NO. DCA19010
 DATE: 05/14/2018
 SCALE: 1" = 30'
 REVISED:
 SHEET 1 OF 1



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda Pollack, P.E., Director of Infrastructure and Development *AP*
Date: May 22, 2019
Re: Resolution for property line adjustment with 500 Riverside Realty, LLC

The Department of Infrastructure and Development requests consideration for a property line adjustment to enable the construction of sidewalk for the Riverside Traffic Circle. Lands from the City road right of way are proposed to be swapped with the adjacent property. The property is owned by 500 Riverside Realty, LLC and is located at 500 Riverside Drive. The property line adjustment is described in the attached deed and shown on the attached plat labeled Exhibit A. The land areas in the land swap are summarized below:

Item #	Add to City Right of Way (square feet)	Add to 500 Riverside Realty, LLC (square feet)
1	886	-
2	-	172
3	35	-
4	-	899
Total	921	1,071

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