

ORDINANCE NO. 2589

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND GRANTING A RIGHT-OF-WAY TO DELMARVA POWER & LIGHT COMPANY ACROSS CITY OWNED PROPERTY (SALISBURY PARKING LOT NO. 15) FOR INSTALLATION OF ELECTRIC VEHICLE STATIONS.

WHEREAS, the City of Salisbury owns Parking Lot No. 15 (Map 107, Parcel 1066) located near the intersection of W. Market Street and Camden Street; and

WHEREAS, the City of Salisbury is desirous of having facilities installed for the purpose of setting up electric vehicle charging stations on its lot; and

WHEREAS, Delmarva Power & Light Company ("Delmarva") has requested that the City enter into a Right of Way Agreement to allow it to install and service the electric vehicle charging stations, and

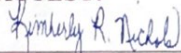
WHEREAS, a copy of said agreement is attached hereto, which allows Delmarva the right to construct, operate and maintain the infrastructure in association with the new electric vehicle charging stations at the City's parking lot location.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the City of Salisbury authorizes Delmarva to construct, operate and maintain electric vehicle charging stations at the Parking Lot No. 15 location near W. Market Street and Camden Street; that the Mayor is authorized to execute the Right of Way Agreement attached hereto; and that the location of the facilities shall be as shown on **Exhibit 1** attached to said agreement.

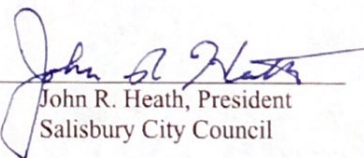
BE IT FURTHER ORDAINED that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 13th day of April 2020, and thereafter, a statement of the substance of this Ordinance having been published as required by law, was finally passed by the Council on the 27th day of April, 2020.

ATTEST:



Kimberly R. Nichols
City Clerk



John R. Heath, President
Salisbury City Council

Approved by me this 12th day of MAY, 2020.



Jacob R. Day
Mayor of the City of Salisbury

**RIGHT OF WAY AGREEMENT
(EV Charging Station Facilities)**

The undersigned, herein called the "Grantor," hereby grant(s) to DELMARVA POWER & LIGHT COMPANY ("DELMARVA"), its successors, licensees and assigns, for value received, the right to construct, install, reconstruct, operate and maintain electric vehicle charging station facilities, including, but not limited to, pads, charging facilities, electric and communication lines, poles, crossarms, wires, anchors, guys, conduits, cables, transformers, meters, appurtenant equipment and enclosures (collectively, "charging station facilities") upon, over, under and across the land of the Grantor situated at the intersection of Market and Camden Streets, in the City of Salisbury, Wicomico County, Maryland, and acquired from Robert P. Cannon and Ruth L. Powell, by Deed dated June 29, 1973, and recorded among the Land Records of Wicomico County in Liber 878, Folio 632, and Feldman Investment Corporation, by Deed dated December 3, 1976, and recorded among the Land Records of Wicomico County in Liber 866, Folio 321 ("Grantor's Property").

The charging station facilities are or are to be located at Grantor's Property situated at the intersection of Market Street and Camden Street and further identified as City of Salisbury Parking Lot #15 in the location generally shown on the job print attached hereto as **Exhibit 1**.

Together with the right of access at all times to the charging station facilities, the right to extend electric and communication lines by the most direct practical route from the main lines to any charging station facilities on Grantor's Property, the right to trim, top, cut down and remove trees and/or shrubs adjacent to charging station facilities to provide proper operating clearance, the right to make necessary openings and excavations for the purpose of examining, repairing, replacing, altering or expanding charging station facilities provided that all openings or excavations shall be properly refilled and the property left in good and safe condition, and the right to place signs at Grantor's Property, near the charging station facilities restricting use of parking spaces adjacent to the charging station facilities to electric vehicles using or in line to use the charging facilities. No buildings or structures are to be erected under or over charging station facilities, and adequate horizontal clearances, with a five (5) foot minimum, must be maintained. Shrubbery, trees, fences, or other obstructions shall not be placed so close to any charging station facilities that they would, in the sole judgement of the Company, hinder or obstruct operation or maintenance of said equipment.

DELMARVA will return Grantor's Property to as near as its original condition as reasonably possible upon completion of construction and maintenance related activities and also upon termination of use of Grantor's Property as an electric vehicle charging station facility.

IN WITNESS WHEREOF, the Grantor(s) has/have caused this agreement to be properly executed this _____ day of _____, 20__.

WITNESS:

THE CITY OF SALISBURY, a municipal corporation of the State of Maryland

By: _____
Name: _____
Title: _____

STATE OF _____:

SS:

COUNTY OF _____:

I hereby certify that on this ____ day of _____, 20__, before me, a Notary Public in and for the State and County aforesaid personally appeared _____, who acknowledged himself/herself to be the _____ of The City of Salisbury, a municipal corporation of the State of Maryland, and that (s)he, in such capacity and being authorized so to do, did execute the foregoing Agreement as the act and deed of The City of Salisbury for the purposes therein contained, and said act and deed was made without monetary consideration.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

Exhibit 1

Job Print
(see attached)

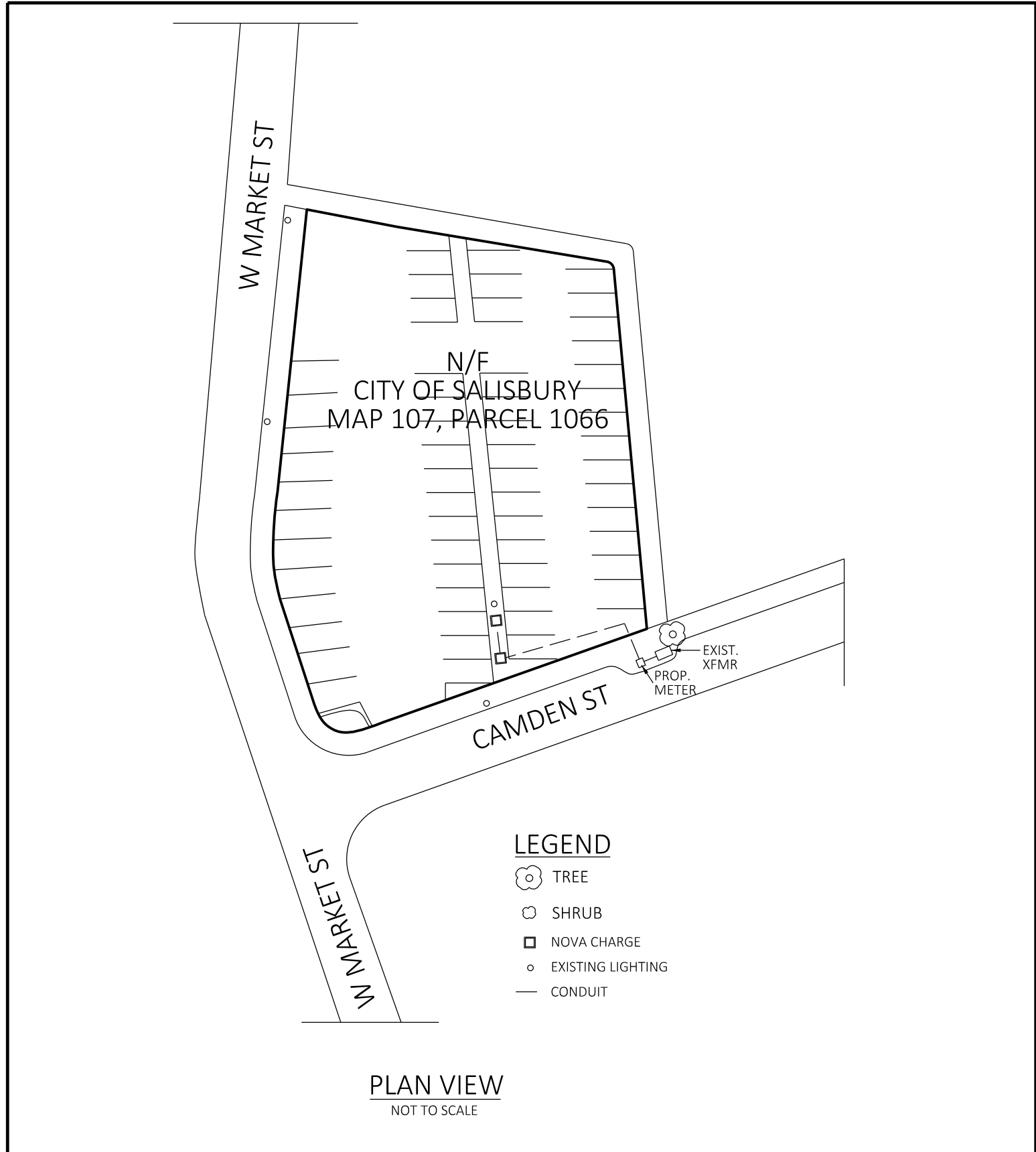


EXHIBIT 1

SALISBURY, MD 21801
DPL PUBLIC CHARGING EQUIPMENT PLAN
NOVA CHARGE LEVEL 2 EVSE



**delmarva
power**

Newark, DE - An Exelon Company

SCALE : NONE

SALISBURY LOT #15



To: Julia Glanz, City Administrator
From: Amanda H. Pollack, P.E., Director of Infrastructure & Development
Date: March 18, 2020
Re: Ordinance to grant a right of way to Delmarva Power for the installation of Electric Vehicle Charging Stations

The Department of Infrastructure & Development has received a request from Delmarva Power to install two (2) electric vehicle charging stations in City owned Parking Lot No. 15. Lot No. 15 is located at the corner of Market Street and Camden Street. The two EV charging stations will serve four (4) parking spaces. The project is fully funded by Delmarva Power. In order to proceed with the project, Delmarva Power has asked for the City to execute the attached Right of Way Agreement.

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