

ORDINANCE NO. 2670

AN ORDINANCE OF THE CITY OF SALISBURY FOR THE ABANDONMENT OF AN ALLEY LOCATED BETWEEN EAST WILLIAM STREET AND DAVIS STREET, NEAR EAST MAIN STREET.

WHEREAS, SC11-2 of the Charter of the City of Salisbury (the “**Charter**”) grants the City of Salisbury (the “**City**”) exclusive authority over all public ways located within the municipal boundaries of the City; and

WHEREAS, pursuant to the authority granted the City under SC11-2 of the Charter, the City deems it necessary and appropriate to abandon that certain alley located within the municipal boundaries of the City and between East William Street and Davis Street, near East Main Street (the “**Alley**”); and

WHEREAS, the Alley intended for abandonment by the City pursuant to this Ordinance is more particularly depicted as all that area highlighted on the Glen Haven Plat, dated May 10, 1926 and prepared by Hannaman Burroughs Co., attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the City’s abandonment of the Alley hereunder will not affect any public access to public roadways; additionally, a portion of the Alley has been non-accessible for public ingress and egress for several years preceding the date hereof; and, furthermore, any use of the Alley has been primarily limited to properties located nearby to the Alley; and

WHEREAS, the City Department of Infrastructure and Development has provided prior written notice to all owners of property abutting the Alley informing each of them of the City’s intention to abandon the Alley and of each of their respective rights and responsibilities as to such portion(s) of the Alley abutting their respective property following the City’s abandonment of the Alley as intended by this Ordinance, and all such property owners have responded to the City Department of Infrastructure and Development indicating their consent to the City’s closure and abandonment of the Alley; and,

WHEREAS, the City Department of Infrastructure and Development requests abandonment of the Alley to ensure the owners of property abutting the Alley can obtain ownership of such applicable portion(s) of the Alley, if such owners so desire; and,

WHEREAS, upon the adoption of this Ordinance, the City Department of Infrastructure and Development will provide written notice to all owners of property abutting the Alley informing each of them that, pursuant to the City’s abandonment of the Alley hereunder, the City shall not be responsible for any maintenance or costs associated with the Alley as of the date this Ordinance takes effect as set forth herein below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that, pursuant to the authority granted the City under SC11-2 of the Charter, the Alley located within the municipal boundaries of the City and between East William Street and Davis Street, near East Main Street, as more particularly depicted by the area highlighted on the aforesaid plat attached hereto and incorporated herein as **Exhibit A**, is hereby closed and deemed abandoned, in its entirety, by the City.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,

unconstitutional or otherwise unenforceable under applicable Maryland 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 and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect from and after the date of its final passage.

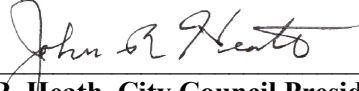
Section 6. Upon its final passage, this Ordinance shall not be codified.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 14th day of June, 2021 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 28th day of June, 2021.

ATTEST:



Kimberly R. Nichols, City Clerk



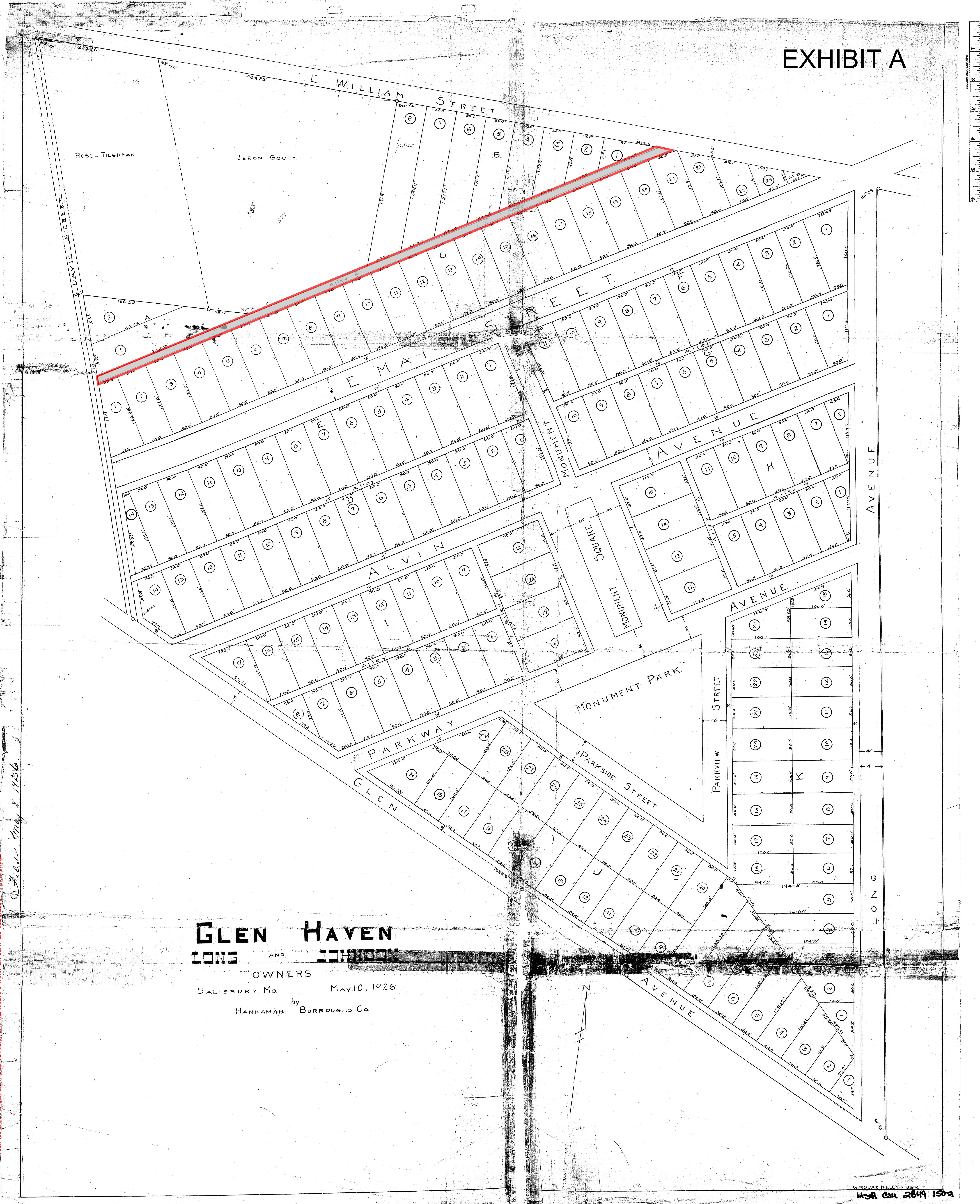
John R. Heath, City Council President

Approved by me, this 30th day of June, 2021.



Jacob R. Day, Mayor


EXHIBIT A



GLEN HAVEN
LONG AND JOHNSON
OWNERS
SALISBURY, Md. May 10, 1926
by
HANNAMAN BURROUGHS CO.



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda Pollack, P.E., Director of Infrastructure and Development 
Date: May 14, 2021
Re: Abandonment of the Alley between Davis Street and East William Street near East Main Street

The Department of Infrastructure and Development received and reviewed a Resubdivision Plat of the lands of Healing Hands Animal Hospital which is located at 727 East Main Street. Discussions about expansion of the building led to the possibility to close the alley located between two parcels owned by CLJW Realty, LLC. The alley runs between Davis Street and East William Street. Abandoning the alley would allow the property owner to add a portion of their other lands to their Hospital lands without restrictions of building across the alley.

On February 1, 2021, the City Surveyor sent letters with an exhibit showing the proposed alley abandonment to each property owner that abuts the alley. A sample letter is attached for reference. All of the owners have responded and have agreed to the abandonment of the alley. Attached is an Ordinance to abandon the alley.

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



February 1, 2021

CLJW Realty, LLC
727 E. Main Street
Salisbury, MD 21804

To Whom It May Concern,

The City of Salisbury has received a request to consider the abandonment of an alley running from Davis Street to E. William Street approximately 127 feet north of E. Main Street. You are being notified as the owner of the following property which is adjoining the alley.

Address: 727 E. Main Street

Tax ID Numbers: 05-020565

The alley is private and has a width of ten (10) feet as shown on the Plat of Glen Haven recorded among the Land records of Wicomico County in book JCK 142, page 999 (outlined in red on the attached drawing). In the event the alley is abandoned, adjoining property lines would be extended to the centerline of the alley to define the portion of the alley to be conveyed to and become part of the adjoining lands. It will be the responsibility of the adjoining property owners to revise and record a new deed for their properties.

At this time, we are requesting your consideration of this request for abandonment to determine if you would have any objection. Such consideration could include the potential for future development of your property or a need for continued use of the alley for access to the rear portion of your property.

We would appreciate your comments on this request within the next two weeks of the date of this letter prior to us making a decision on the request. Should you have any questions, please contact Mr. Les Sherrill, City Surveyor, at 410- 548-3170 or lsherrill@salisbury.md

Sincerely,

Amanda Pollack
City of Salisbury
Director of Infrastructure & Development