

ORDINANCE NO. 2712

AN ORDINANCE OF THE CITY OF SALISBURY FOR THE ABANDONMENT OF AN UNIMPROVED PAPER ROAD KNOWN AS LINWOOD AVENUE LOCATED BETWEEN EAST ISABELLA STREET AND GRACE 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 unimproved road known as Linwood Avenue located within the municipal boundaries of the City between East Isabella Street and Grace Street (the “**Road**”); and

WHEREAS, the Road intended for abandonment by the City pursuant to this Ordinance is more particularly depicted as all that area highlighted on the Plat of Davis Estate, dated August 22, 1911 and prepared by P. S. Shockley, and accompanying detail further showing the Road to be abandoned, attached hereto collectively and incorporated herein as **Exhibit A**; and

WHEREAS, the City’s abandonment of the Road hereunder will not affect any public access to public roadways; additionally, the Road has been non-accessible for public ingress and egress for several years preceding the date hereof; and, furthermore, the Road constitutes a mere “paper road” as there is no evidence it was ever constructed or operational; and

WHEREAS, the City Department of Infrastructure and Development has provided prior written notice to all owners of property abutting the Road informing each of them of the City’s intention to abandon the Road and of each of their respective rights and responsibilities as to such portion(s) of the Road abutting their respective property following the City’s abandonment of the Road 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 Road; and,

WHEREAS, the City Department of Infrastructure and Development requests abandonment of the Road to ensure the owners of property abutting the Road can obtain ownership of such applicable portion(s) of the Road, 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 Road informing each of them that, pursuant to the City’s abandonment of the Road hereunder, the City shall not be responsible for any maintenance or costs associated with the Road 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, as follows:

Section 1. That, pursuant to the authority granted to the City under SC11-2 of the Charter, the Road known as Linwood Avenue located within the municipal boundaries of the City and between East Isabella Street and Grace Street, as more particularly depicted by the area highlighted on the aforesaid plat and accompanying detail attached hereto collectively and incorporated herein as **Exhibit A**, is hereby closed and deemed abandoned, in its entirety, by the City.

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 February, 2022 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 February, 2022.

ATTEST:



Kimberly R. Nichols, City Clerk



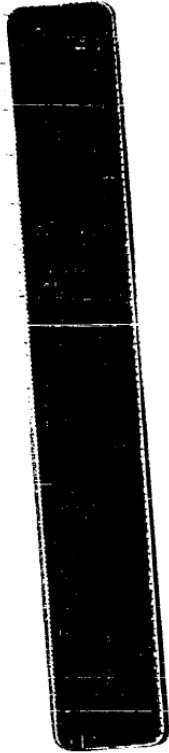
John R. Heath, City Council President

Approved by me, this 1st day of March, 2022.



Jacob R. Day, Mayor

WICOMICO COUNTY CIRCUIT COURT (Plats on Microfilm, W) Land Records EAT 76, p. 433, MSA_S1548_656. Date available . Printed 12/07/2021.



Davis Estate.
 P. S. Shackley S.W.C.
 Aug. 22, 1911
 Scale 1/4" = 200'

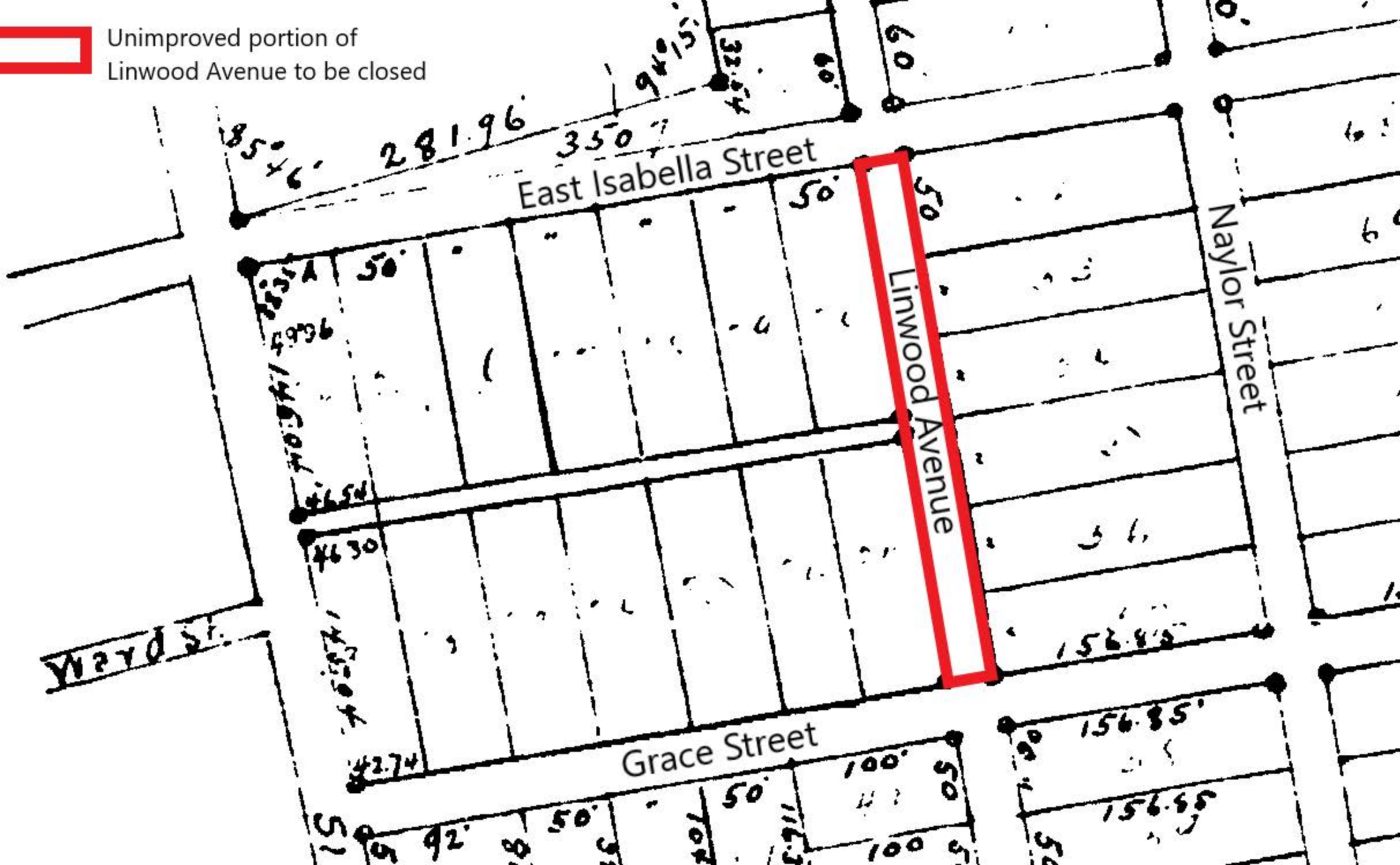
o Indicates Cement Post.

Wicomico Co. Plats.
 Land Rds. E.A.T. 76 folio 433

Part of Davis Estate



Unimproved portion of
Linwood Avenue to be closed





City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda Pollack, P.E., Director of Infrastructure and Development
Date: January 19, 2022
Re: Abandonment of Linwood Avenue

AP

The Department of Infrastructure and Development received and reviewed a request to abandon an unimproved road known as Linwood Avenue located between East Isabella Street and Grace Street. A sketch showing the location is attached. The request was made by Nancie Denasty and Roude Deravine and the email is attached.

On April 9, 2021, the City Surveyor sent letters with an exhibit showing the proposed abandonment to each property owner that abuts the road right of way. All of the owners have responded and have agreed to the abandonment. 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.

Amanda Pollack

From: Nancie Denasty <pierrinancie@yahoo.com>
Sent: Friday, April 2, 2021 6:12 PM
To: Amanda Pollack
Subject: Fencing Permit
Attachments: House Plat.jpeg

WARNING: This message was sent from an external source. Please verify the source before clicking any links or opening any attachments. NEVER provide account credentials or sensitive data unless the source has been 100% verified as legitimate.

Dear Ms. Amanda Pollack,

We are writing you this letter to ask your permission to include a piece of Linwood Street that is next to our house in our fencing. Our address is 711 Grace Street, Salisbury, MD 21804. We would like to fence our entire house. We are asking your permission because Linwood Street will not have anything built on it anymore. On our house plat, Linwood Street is classified as an Unimproved Street which is the main reason we are asking for the piece of Linwood Street that is next to our house to be included in our fencing. Another reason is that people keep passing by in our yard because there is no fencing on it. People walk their dogs, ride dirtbikes and four-wheelers, and drive their cars through our yard and leave through Linwood Street. Also, they go through Linwood Street and leave through our yard. Sometimes, people would drive their cars beside our house and leave through the front of our house which is a public sidewalk. There is no driveway for any of those cars to pass through. We would like your permission to include the piece of Linwood Street that is next to our house to be included in our fencing. We will include our house plat below for further explanation and to get a visual of our house.

oo.com
@hotmail.fr
443-365-
0182
347-239-8833

Sincerely,
Nancie Denasty
Roude Deravine
pierrinancie@yah
roode94