

ORDINANCE NO. 2414

AN ORDINANCE OF THE CITY OF SALISBURY FOR THE ABANDONMENT OF A PORTION OF AN EXISTING UTILITY EASEMENT ON PROPERTY OWNED BY VILLAGE OF HOPE, INC. AT THE HOMES ON JOHNSONS POND, 1001 LAKE STREET, SALISBURY ELECTION DISTRICT, WICOMICO COUNTY, STATE OF MARYLAND.

WHEREAS, Caritas, Inc. is listed, according to the records of the State Department of Assessments and Taxation, as the owner of real property located at 1001 Lake Street, Salisbury, Maryland, which is encumbered by a City of Salisbury utility easement; and

WHEREAS, Caritas, Inc. changed its corporate name to Joseph House Village, Inc. and then to its current name, Village of Hope, Inc.; and

WHEREAS, for the purpose of the development of the aforementioned property, Village of Hope, Inc. will relocate a water main installed in the easement area to a location in a new utility easement area on the property which has yet to be finalized; and

WHEREAS, the City of Salisbury has agreed to the water main relocation and to abandon 14,368 square feet of the existing utility easement, which the City has determined to be unnecessary for any public purpose; and

WHEREAS, the City of Salisbury has approved a utility easement abandonment plan attached hereto as **Exhibit A** entitled *Exhibit "A" Caritas, Inc.* dated October 2016, prepared by Davis, Bowen and Friedel, Inc.; and

WHEREAS, the City of Salisbury is releasing to Village of Hope, Inc. the abandoned easement area shown on the plat; and

WHEREAS, the Salisbury Charter SC11- 2 gives the City of Salisbury charge of all public ways in the City of Salisbury; and

WHEREAS, SC16-8 allows the City of Salisbury to abandon or otherwise dispose of property that is not saleable.

NOW, THEREFORE, be it ordained by the City of Salisbury, Maryland, as follows:

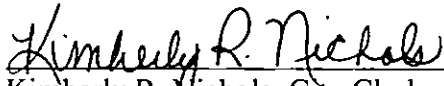
1. That the quitclaim deed between the City of Salisbury and Village of Hope, Inc. allows for the abandonment of the 14,368 sq. ft. utility easement area as shown on the aforementioned **Exhibit A**;
2. For the purposes and reasons hereinabove set forth, the City of Salisbury be, and hereby is, authorized to convey to Village of Hope, Inc. all of the City's right, title and interest in the abandoned utility easement area; and

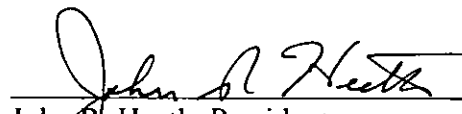
3. The City Solicitor has reviewed and approved the quitclaim deed to release the unneeded utility easement area attached hereto as **Exhibit B**.

AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY that this Ordinance shall take effect from and after the date of its final passage.

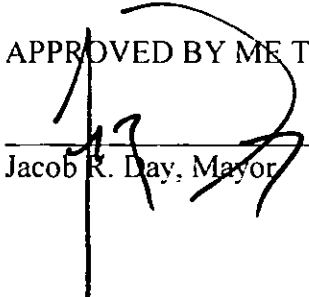
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this 9<sup>th</sup> day of January, 2017, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 23<sup>rd</sup> day of January, 2017.

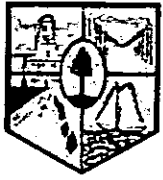
ATTEST:

  
\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

  
\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS 24<sup>th</sup> day of JAN, 2017.

  
\_\_\_\_\_  
Jacob R. Day, Mayor



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

To: Julia Glanz, Acting City Administrator  
From: Michael S. Moulds, P.E., Director of Public Works *MSM*  
Date: December 7, 2016  
Re: Ordinance for Easement Abandonment – Homes on Johnsons Pond

---

Caritas, Inc. is requesting that a portion of an existing public utility easement located at the Homes on Johnsons Pond development be abandoned and that the City of Salisbury release all of its rights, title and interest, in and to the abandoned easement area to them. This request is for the purpose of accommodating the Homes on Johnsons Pond development expansion by relocating a water main in the proposed abandonment area to a location in the new utility easement. The 14,368 square foot area to be abandoned is shown on Exhibit "A" of the attached ordinance.

The Department of Public Works has determined that the easement area proposed for abandonment and shown on the attachments will no longer be necessary for public use once the water main is relocated as noted above.

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

**QUITCLAIM DEED OF EASEMENT**

THIS QUITCLAIM DEED, made this 13<sup>th</sup> day of February, 2017, by the CITY OF SALISBURY, a municipal corporation of the State of Maryland, Grantor and, and Village of Hope, Inc., a Maryland not for profit corporation, Grantee, WITNESSETH:

WHEREAS, the CITY OF SALISBURY desires to abandon and terminate all of its rights, title, and interest, in and to a certain easement area on the lands now owned by the Grantee; and, has for that purpose adopted on the 23rd day of January, 2017, City of Salisbury, Ordinance No. 2414.

NOW, THEREFORE, IN CONSIDERATION of the sum of Zero Dollars (\$0.00) and other good, valuable and sufficient considerations in hand paid, receipt of which is hereby acknowledged, Grantor does hereby grant, convey, release, assign, and quitclaim unto Village of Hope, Inc., its successors and assigns, all of its rights, title, and interest in and to all that real property situate and lying in the City of Salisbury, Salisbury Election District, Wicomico County, Maryland (i) as shown and more particularly described and delineated as "EXISTING UTILITY EASEMENT AREA TO BE ABANDONED = 14,368 SF" on a plat entitled *Exhibit "A" Caritas, Inc.* dated October 2016, prepared by Davis, Bowen and Friedel, Inc., attached hereto as Exhibit A; and (ii) shown and designated as "30.0' Utility Easement" on a plat entitled "Underground Utility Easement" dated August 30, 1993 attached hereto as Exhibit B and further attached to that certain Deed of Easement recorded among the Land Records of Wicomico County, Maryland in Liber No. 1361, folio 203 and intended to be released hereby.

TOGETHER with the improvements thereon and all the rights, ways, roads, privileges, appurtenances and advantages thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the above described property unto the Village of Hope, Inc. its successors and assigns, forever.

REFERENCE to the aforesaid said deeds and Plats and to the references contained therein, is hereby made for a more particular description of the property hereby conveyed or for any other purpose, to the same extent as if more fully set forth.

AS WITNESS the hands and seals of the parties hereto the day and year first above written.

**NO TITLE SEARCH REQUESTED OR PERFORMED**

Return To:  
CITY OF SALISBURY  
DEPARTMENT OF PUBLIC WORKS  
125 N. DIVISION ST. ROOM 202  
SALISBURY, MD 21801-4940  
Attn: Brian Wilkins

## QUITCLAIM DEED OF EASEMENT

THIS QUITCLAIM DEED, made this 13<sup>th</sup> day of February, 2017, by the CITY OF SALISBURY, a municipal corporation of the State of Maryland, Grantor and, and Village of Hope, Inc., a Maryland not for profit corporation, Grantee, WITNESSETH:

WHEREAS, the CITY OF SALISBURY desires to abandon and terminate all of its rights, title, and interest, in and to a certain easement area on the lands now owned by the Grantee; and, has for that purpose adopted on the 23rd day of January, 2017, City of Salisbury, Ordinance No. 2414.

NOW, THEREFORE, IN CONSIDERATION of the sum of Zero Dollars (\$0.00) and other good, valuable and sufficient considerations in hand paid, receipt of which is hereby acknowledged, Grantor does hereby grant, convey, release, assign, and quitclaim unto Village of Hope, Inc., its successors and assigns, all of its rights, title, and interest in and to all that real property situate and lying in the City of Salisbury, Salisbury Election District, Wicomico County, Maryland (i) as shown and more particularly described and delineated as "EXISTING UTILITY EASEMENT AREA TO BE ABANDONED = 14,368 SF" on a plat entitled *Exhibit "A" Caritas, Inc.* dated October 2016, prepared by Davis, Bowen and Friedel, Inc., attached hereto as Exhibit A; and (ii) shown and designated as "30.0' Utility Easement" on a plat entitled "Underground Utility Easement" dated August 30, 1993 attached hereto as Exhibit B and further attached to that certain Deed of Easement recorded among the Land Records of Wicomico County, Maryland in Liber No. 1361, folio 203 and intended to be released hereby.

TOGETHER with the improvements thereon and all the rights, ways, roads, privileges, appurtenances and advantages thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the above described property unto the Village of Hope, Inc. its successors and assigns, forever.

REFERENCE to the aforesaid said deeds and Plats and to the references contained therein, is hereby made for a more particular description of the property hereby conveyed or for any other purpose, to the same extent as if more fully set forth.

AS WITNESS the hands and seals of the parties hereto the day and year first above written.

**NO TITLE SEARCH REQUESTED OR PERFORMED**

Return To:  
CITY OF SALISBURY  
DEPARTMENT OF PUBLIC WORKS  
125 N. DIVISION ST. ROOM 202  
SALISBURY, MD 21801-4940  
Attn: Brian Wilkins

ATTEST:

Donna S Haag

City of Salisbury, a Municipal Corporation

Jacob R. Day, Mayor

(SEAL)

STATE OF MARYLAND, COUNTY OF WICOMICO, TO-WIT:

I HEREBY CERTIFY, that on this 8<sup>th</sup> day of FEBRUARY, 2017, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Jacob R. Day, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within deed and acknowledged that he is the Mayor of the City of Salisbury, Maryland and that he has the legal authority on behalf of the Grantor to execute this deed for the purposes therein contained and in my presence signaled and sealed the same.

AS WITNESS my hand and Notarial Seal.

**Donna S Haag**  
**NOTARY PUBLIC**  
**Wicomico County, Maryland**  
**My Commission Expires** 12-29-2018

Donna S Haag  
Notary Public

My Commission expires: 12-29-2018

I HEREBY CERTIFY that I am an attorney admitted to practice before the Court of Appeals of Maryland, and that the foregoing instrument was prepared under my supervision.

APPROVAL OF  
CITY ENGINEER  
CITY OF SALISBURY  
NON-APPLICABLE

S. Mark Tilghman  
S. Mark Tilghman

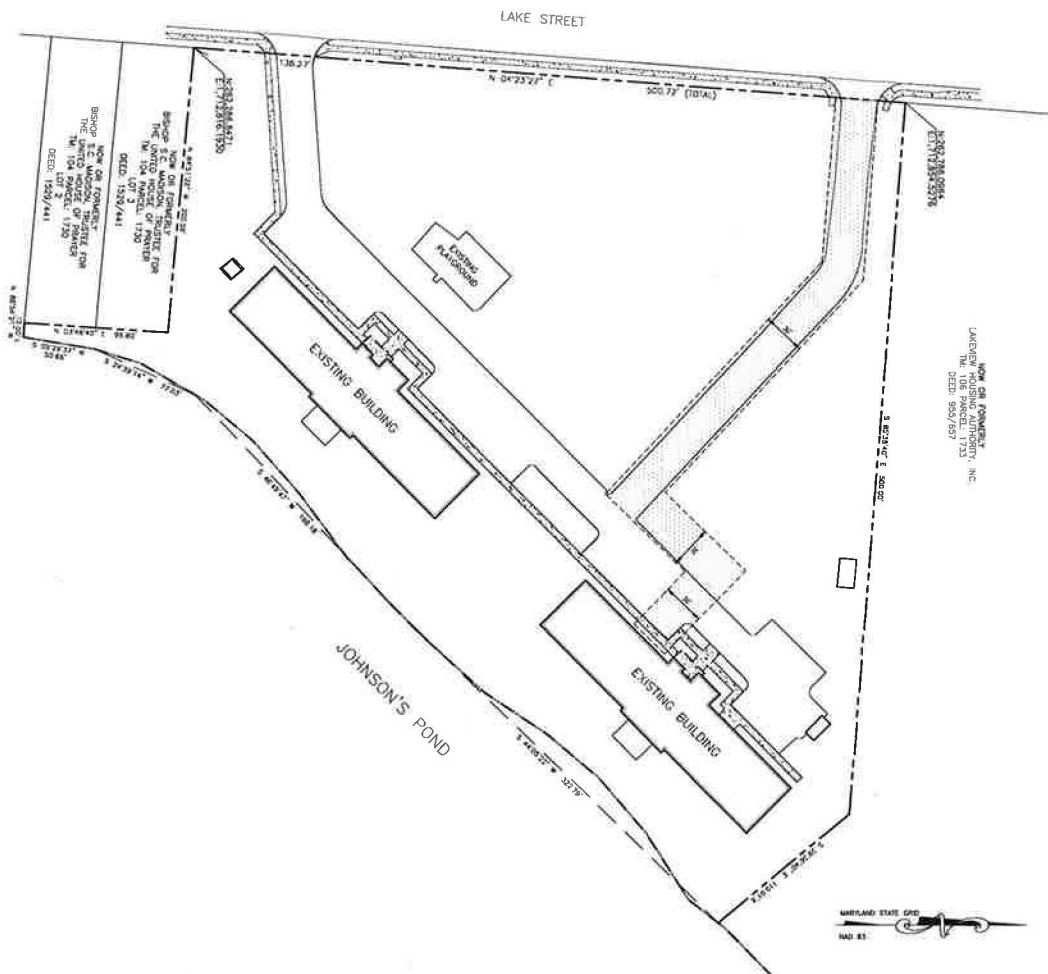


Recordation Tax Paid  
Department of Finance

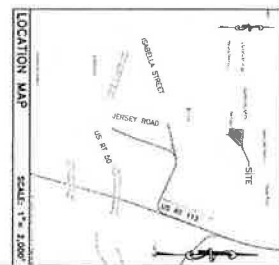
Date 2/16/17  
Initials J.S.

I HEREBY CERTIFY THAT TAXES ARE PAID ON  
THE PROPERTY COVERED BY THIS DEED AS  
WELL AS ANY OTHER TAXES WHICH SHOULD  
BE COLLECTED BEFORE TRANSFER OF SAME  
PURSUANT TO SECTION 14 ARTICLE 21 OF THE  
ANNOTATED CODE OF MARYLAND  
LESLIE MARTIN LEWIS, CPA  
DIRECTOR OF FINANCE  
WICOMICO COUNTY, MARYLAND  
2/16/17 DATE

**NO TITLE SEARCH REQUESTED OR PERFORMED**

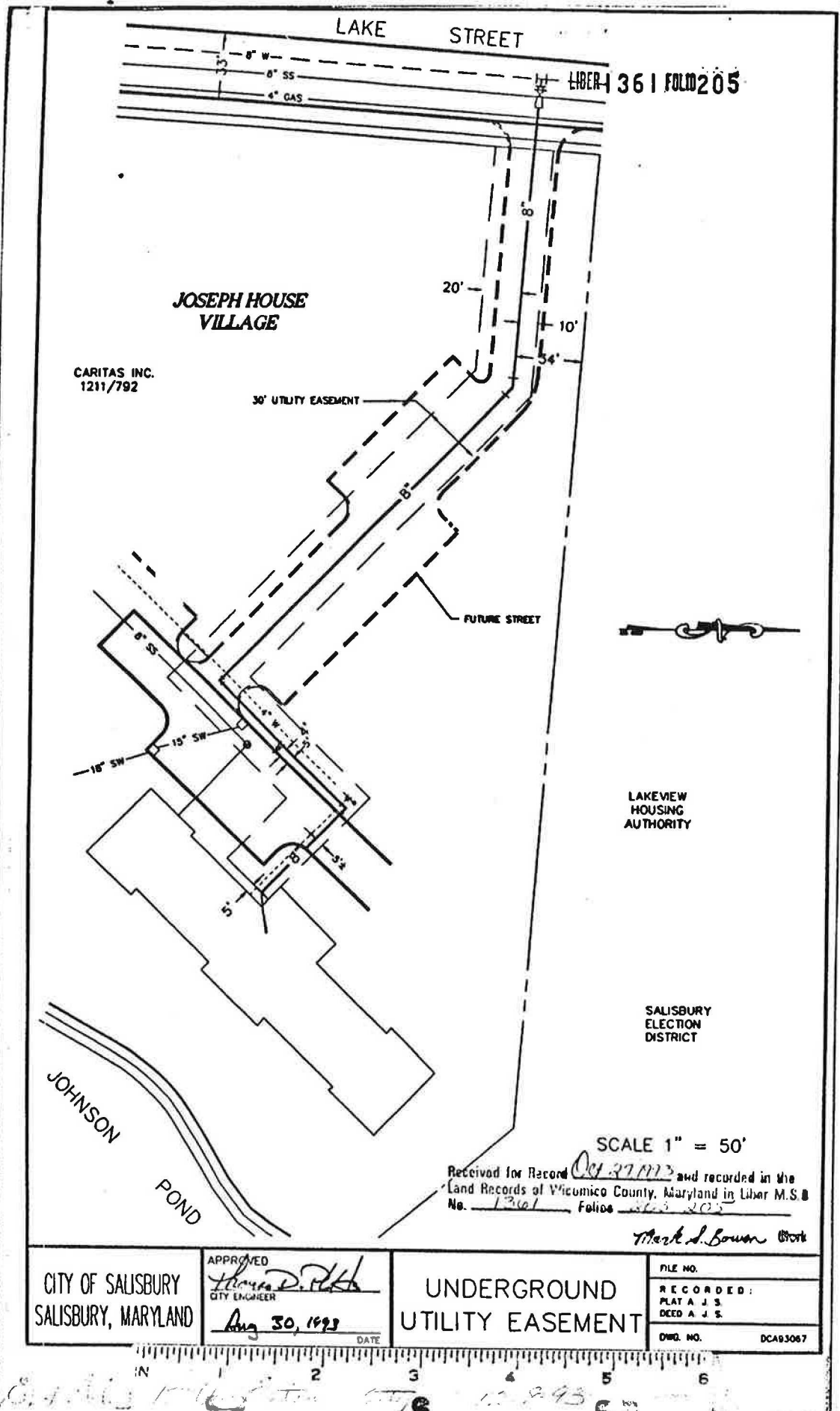
[illegible]

1. CITY OF SALSBUURY UTILITY EXEMPTIONS SHALL BE RECEIVED FOR ALL CITY OF SALSBUURY UTILITY EXEMPTIONS FOR THE CITY OF SALSBUURY, UTAH. CITY OF SALSBUURY UTILITY EXEMPTIONS SHALL BE DETERMINED BY THE DIRECTOR OF PUBLIC WORKS, WHICH MAY BE DETERMINED BY THE DIRECTOR OF PUBLIC WORKS AND SHALL BE MANAGED BY THE DIRECTOR OF PUBLIC WORKS. THE CITY OF SALSBUURY UTILITY EXEMPTIONS SHALL BE DETERMINED BY THE DIRECTOR OF PUBLIC WORKS AND SHALL BE MANAGED BY THE DIRECTOR OF PUBLIC WORKS.
2. PRIVATE RECEPTION LINES SHALL NOT BE INSTALLED IN CITY OF SALSBUURY UTILITY EXEMPTIONS.
3. ALL NON-UTILITY, SUCH AS BUT NOT LIMITED TO, ELECTRICITY, GAS, WATER, AND SEWER, SHALL BE INSTALLED IN THE CITY OF SALSBUURY UTILITY EXEMPTIONS. PERMANENT CROSSINGS WILL BE ALLOWED.





WICOMICO COUNTY CIRCUIT COURT (Land Records) MSB 1361, p. 0205, MSA\_CE100\_1335. Date available 01/11/2005. Printed 09/01/2015.



## DOCUMENT VALIDATION

Mark S. Bowen, Clerk  
Circuit Court for Wicomico County  
101 North Division Street  
PO Box 198  
Salisbury, MD 21803-0198  
(410) 543-6551

LR - Government  
Instrument 0.00  
Agency Name: city  
salisbury  
Instrument List:  
Agreement / Easement  
Describe Other:  
village hope  
Ref:

Total: 0.00  
02/17/2017 08:52  
CC22-TC  
#7812777 CC0103 -  
Wicomico  
County/CC01.03.01 -  
Register 01

Received for Record **FEB 17 2017**  
and Recorded in the Land Records of  
Wicomico County, Maryland

*Mark S. Bowen*

Clerk