

**RESOLUTION NO. 3189**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY TO AUTHORIZE THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY OF SALISBURY, A QUIT CLAIM DEED WITH RESPECT TO VICTORIA PARK DRIVE.**

**WHEREAS**, a certain road named Victoria Park Drive is located in The City of Salisbury and shown as a cul-de-sac on a plat entitled “CORRECTED PLAT OF the Resubdivision Plat of Parcel A the Lands of Land Holding, LLC & Lot 1, Block “Q”, “Westside Manor” Subdivision the Land of Balmar Properties, LLC”, made by Parker & Associates, Inc. dated 10/11/17 and recorded among the Plat Records of Wicomico County, Maryland in Plat Cabinet J.B.M. No. 17, Folio 187; (“Original Plat”); and

**WHEREAS**, Victoria Park Drive was never conveyed to the City of Salisbury (“City”);

**WHEREAS**, a reconfigured Victoria Park Drive (“Reconfigured Victoria Park Drive”) is shown on a Plat entitled “Final Subdivision Plat of Sassafras Meadows, Phase Three” made by Parker & Associates, Inc. dated 12/08/2021, intended to be recorded among the Plat Records of Wicomico County contemporaneously with the deed referred to in this Resolution (“Final Sassafras Plat”), JM Holding, LLC (“Developer”) being the owner of the lands on both sides of “Victoria Park Drive” as a result of a Special Warranty Deed dated December 20, 2019 and recorded among the aforesaid Land Records in Liber J.B.M. No. 4573, Folio 85, et seq.; and

**WHEREAS**, as part of the development as contemplated by the Final Sassafras Plat, Developer intends to convey the Reconfigured Victoria Park Drive as shown on the Final Sassafras Plat to the City; and

**WHEREAS**, the purpose of the Quit Claim Deed is to convey any of the City’s right title and interest in and to that portion of Victoria Park Drive Cul-de-sac as shown on the Final Sassafras Plat to Developer such that Developer can develop the Reconfigured Victoria Park Drive as a thru street and, upon completion, title to the property described in the Quit Claim Deed will clearly lie with Developer, its successors and assigns; and

**WHEREAS**, in accordance with the foregoing, the City determined it to be in the best interest of the citizens of the City to Quit Claim that portion of the Victoria Park Drive Cul-de Sac as described in the Quit Claim Deed to Developer to reconfigure the cul-de sac as a thru street; and

**WHEREAS**, by this Resolution, the Council **(i)** hereby approves the Quit Claim Deed (attached hereto and incorporated herein as **Exhibit A**) and **(ii)** hereby authorizes the Mayor’s execution thereof on behalf of the City; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 1.** The Mayor is hereby authorized to execute, on behalf of the City of Salisbury, that certain Quit Claim Deed, by and between the City of Salisbury and JM Land Holding, LLC attached hereto and incorporated herein as **Exhibit A** (“Quit Claim Deed”).

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

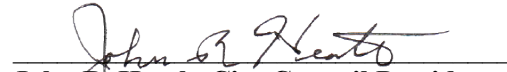
**Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable.

**Section 4.** The recitals set forth hereinabove and **Exhibit A** attached hereto, are incorporated into this section of the Ordinance as if such recitals and **Exhibit A** were specifically set forth at length in this Section 4.


**THE ABOVE RESOLUTION** was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 26 day of September, 2022 and is to become effective immediately upon adoption.

**ATTEST:**

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

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

Approved by me, this 30th day of September, 2022.

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

THIS QUIT CLAIM DEED, made this 26 day of September, 2022, by **THE CITY OF SALISBURY**, a body politic and corporate of the State of Maryland, hereinafter called "Grantor", witnesseth:

WHEREAS, a certain road named Victoria Park Dr. ("Road") is located in The City of Salisbury and shown on a plat entitled "CORRECTED PLAT OF the Resubdivision Plat of Parcel A the Lands of Land Holding, LLC & Lot 1, Block "Q", "Westside Manor" Subdivision the Land of Balmar Properties, LLC", made by Parker & Associates, Inc. dated 10/11/17 and recorded among the Plat Records of Wicomico County, Maryland in Plat Cabinet J.B.M. No. 17, Folio 187; ("Corrected Plat"); and

WHEREAS, The City of Salisbury has agreed to abandon and convey any interest it may have in a portion of the Road to Grantee; and

WHEREAS, a reconfigured Victoria Park Drive is shown on a Plat entitled "Final Subdivision Plat of Sassafras Meadows, Phase Three" made by Parker & Associates, Inc. dated 12/08/2021, and recorded or intended to be recorded among the Plat Records of Wicomico County contemporaneously with this deed ("Final Sassafras Plat"); the within Grantee being the owner of the lands on both sides of "Victoria Park Drive", as a result of a Special Warranty Deed from Land Holding, LLC to JM Land Holding, LLC dated December 20, 2019 and recorded among the aforesaid Land Records in Liber J.B.M. No. 4573, Folio 85, et seq.; and

WHEREAS, the effect of the Final Sassafras Plat identified is to reconfigure Victoria Park Drive, making it a through street and remove the cul de sac as more particularly shown on the Final Sassafras Plat.

THAT FOR AND IN CONSIDERATION of the sum of Zero Dollars (\$0.00) and other good, valuable and sufficient consideration in hand paid, receipt of which is hereby acknowledged, the said Grantor does hereby grant, convey and Quit Claim unto **JM Land Holding, LLC**, a Maryland limited liability company (hereinafter referred to as "Grantee"), its successors and assigns, the following described property:

**ITEM ONE:** ALL that piece or parcel of land situate, lying and being in The City of Salisbury, Election District, Wicomico County, State of Maryland, being more described and shown as the "118.55 square feet of Deeded Road Right of Way to Revert Back to the Adjoining Owner Per Quit Claim Deed" on a plat entitled "Final Subdivision Plat of Sassafras Meadows" made by Parker & Associates, Inc. dated 12/08/2021, and recorded or intended to be recorded among the Plat Records of Wicomico County contemporaneously with this deed.

**ITEM TWO:** ALL that piece or parcel of land situate, lying and being in The City of Salisbury, Election District, Wicomico County, State of Maryland, being more described and shown as the "3,144.30 square feet of Deeded Road Right of Way to Revert Back to the Adjoining Owner Per Quit Claim Deed" and "To Be Eliminated Per This Plat" on a plat entitled "Final

Subdivision Plat of Sassafras Meadows” made by Parker & Associates, Inc. dated 12/08/2021, and recorded or intended to be recorded among the Plat Records of Wicomico County contemporaneously with this deed.

REFERENCE to said deeds, plats and instruments, and to preceding deeds to the property and the references contained therein, is hereby made for a better description of the property hereby conveyed.

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 granted property unto the said Grantee, its successors and assigns, forever in fee simple.

WITNESS the due execution hereof, the day and year first above written.

WITNESS:

THE CITY OF SALISBURY

\_\_\_\_\_

By:  (SEAL)  
Jacob R. Day, Mayor

STATE OF MARYLAND, COUNTY OF WICOMICO:

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned officer, personally appeared **Jacob R. Day**, Mayor of the City of Salisbury, Maryland, known to me or satisfactorily proven to be the person which name is subscribed to the within instrument, and he acknowledged that he, being duly authorized to do so, executed the same, in said capacity, for the purposes therein contained.

AS WITNESS my hand and seal, the day and year first above written.

My Commission Expires:

\_\_\_\_\_  
Notary Public

CERTIFICATION


I HEREBY CERTIFY that the within and foregoing instrument has been prepared by or under the supervision of the undersigned attorney authorized to practice in the State of Maryland.

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Ashley A. Bosché, Esquire



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

To: Julia Glanz, City Administrator  
From: Richard Baldwin, Director of Infrastructure & Development   
Date: September 15, 2022  
Re: Victoria Park Drive Quit Claim Deed and Resolution to Approve

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The Department of Infrastructure and Development (“DID”) has received a request from the developer Sassafras Meadows (JM Holdings, LLC) \ to convey a portion of Victoria Park Drive currently configured as a Cul-de-sac to allow for the creation of a through street as shown on the Final Subdivision Plat of Sassafras Meadows. Once construction is complete, the reconfigured Victoria Park Drive will be conveyed back to the City.

Attached are a copy of the Quit Claim Deed and the Resolution for approval. These agreements have been reviewed by the Department of Infrastructure & Development and are ready for your review and signature.

Unless you or the Mayor have any questions, please forward a copy of this memo, the Resolution, and the Quit Claim Deed to the City Council.