

RESOLUTION NO. 3187

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY TO AUTHORIZE THE MAYOR TO ENTER INTO, ON BEHALF OF THE CITY OF SALISBURY, A DEED FOR THE ABANDONMENT OF AN UNIMPROVED PAPER ROAD

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, the City, is the owner of a certain parcels of land, same being the streets or street beds in the development known as Summersgate as created by the plat entitled “Summersgate – Final Subdivision Plat” made by Parker & Associates, Inc., revised January 15, 2008 and recorded among the Plat Records of Wicomico County, Maryland, in Plat Cabinet M.S.B. No. 15, Folios 458-50, by deed from Vantage Point at Summersgate, LLC, a Maryland limited liability company, dated February 8, 2008 and recorded among the Land Records of Wicomico County, Maryland, in Liber M.S.B. No. 2895, Folio 563, et seq.; and

WHEREAS, a part of the Summersgate subdivision has been reconfigured and a number of the lots originally platted for the Summersgate subdivision have been abrogated and resubdivided into one or more larger parcels of as yet undeveloped land as more particularly shown on the plat entitled “Resubdivision of Lots 41 - 66, 75 - 95 and 98 - 116, Parcel E and Parcel F, Summersgate Final Subdivision Plat” made by Parker & Associates, Inc. dated October 5, 2020, revised October 20, 2021, which plat has been recorded among the Land Records of Wicomico County, Maryland, in Plat Cabinet J.B.M. No. 17, Folio 550-52; and

WHEREAS, some of the land originally deeded to the City to serve as city streets in the Summersgate subdivision as originally configured were never improved by the construction of streets, curb and gutter, storm drainage, paving or other improvements and hence have amounted only to “paper roads”; and

WHEREAS, pursuant to the authority granted the City under SC11-2 of the Charter, the City deems it necessary and appropriate to abandon the unimproved roads identified above; and

WHEREAS, the City’s abandonment of the roads identified above will not affect any public access to public roadways; additionally, the Road constitutes a mere “paper road” as it was never constructed or operational; and

WHEREAS, the Grantee identified on the attached Deed, Vantage Point Salisbury Partners I, LLC, desires that the attached Deed be executed, conveying the property identified above to Vantage Point Salisbury Partners I, LLC; and

WHEREAS, by this Resolution, the Council hereby authorizes the Mayor’s execution of the attached Deed 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, the Deed attached hereto and incorporated herein as **Exhibit A**.

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.

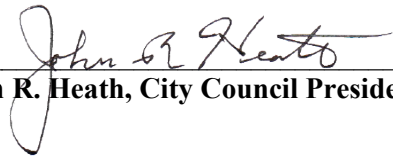
Section 4. The recitals set forth hereinabove and **Exhibit A** attached hereto are incorporated into this section of the Ordinance as if such recitals and **Exhibit A** were specifically set forth at length in this Section 4.

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 12th 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 20th day of September, 2022.



Jacob R. Day, Mayor

THIS DEED, made this 20th day of September, 2022, by **THE CITY OF SALISBURY**, a body politic and corporate of the State of Maryland, hereinafter called "Grantor", witnesseth:

WHEREAS, the Grantor, The City of Salisbury, was deeded certain parcels of land, same being the streets or street beds in the development known as Summersgate as created by the plat entitled "Summersgate – Final Subdivision Plat" made by Parker & Associates, Inc., revised January 15, 2008 and recorded among the Plat Records of Wicomico County, Maryland, in Plat Cabinet M.S.B. No. 15, Folios 458-50, by deed from Vantage Point at Summersgate, LLC, a Maryland limited liability company, dated February 8, 2008 and recorded among the Land Records of Wicomico County, Maryland, in Liber M.S.B. No. 2895, Folio 563, et seq.; and

WHEREAS, a part of the Summersgate subdivision has been reconfigured and a number of the lots originally platted for the Summersgate subdivision have been abrogated and resubdivided into one or more larger parcels of as yet undeveloped land as more particularly shown on the plat entitled "Resubdivision of Lots 41 - 66, 75 - 95 and 98 - 116, Parcel E and Parcel F, Summersgate Final Subdivision Plat" made by Parker & Associates, Inc. dated October 5, 2020, revised October 20, 2021, which plat has been recorded among the Land Records of Wicomico County, Maryland, in Plat Cabinet J.B.M. No. 17, Folio 550-52 (herein the "Resubdivision Plat"); and

WHEREAS, the real property reconfigured and resubdivided and through which the paper streets run has been conveyed by Vantage Point at Summersgate, LLC to Vantage Point Salisbury Partners I, LLC by deed dated March 23, 2021, and recorded as aforesaid in Liber J.B.M. No. 4819, Folio 199, et seq.; and

WHEREAS, some of the land originally deeded to The City of Salisbury to serve as city streets in the Summersgate subdivision as originally configured were never improved by the construction of streets, curb and gutter, storm drainage, paving or other improvements and hence have amounted only to "paper streets"; and

WHEREAS, The City of Salisbury has agreed to abandon all right, title and interest in said paper streets and to reconvey to the within Grantee such paper streets, and accordingly executes and delivers this deed.

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 and convey unto **VANTAGE POINT SALISBURY PARTNERS I, LLC**, a Maryland limited liability company (hereinafter referred to as "Grantee"),

Return to: Laws, Insley & Benson, P.A.
209 East Main Street
Salisbury, Maryland 21801
File No. 43,096

its successors and assigns, the following described property:

ALL those streets, paper streets, parcels or lots of land situate, lying and being in the City of Salisbury, Nutters Election District, Wicomico County, State of Maryland and being more particularly shown and designated on the Resubdivision Plat aforesaid as follows:

- (1) That portion of Turnstone Lane lying south of the "Property Line to be Added per this Plat" (Line 12) on Sheet 2 of 3 of the Resubdivision Plat aforesaid and running from that point in a generally counterclockwise direction to the point that Turnstone Lane intersects Kestrel Way as shown on said Resubdivision Plat.
- (2) All of Tanager Drive running generally north/south from its intersection with Kestrel Way to its intersection with Turnstone Lane on the Resubdivision Plat aforesaid.
- (3) All of Peregrine Lane as shown on said Resubdivision Plat.
- (4) All of Avocet Court as shown on said Resubdivision Plat.
- (5) All of Redtail Court as shown on said Resubdivision Plat.

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.

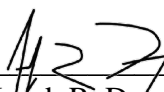
AND the said Grantor hereby covenants that it has done no act to encumber said land and that it will execute such other and further assurances of the land as may be requisite.

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

WITNESS:

THE CITY OF SALISBURY

Kimberly R. Nicholas

By:  (SEAL)
Jacob R. Day, Mayor

STATE OF MARYLAND, COUNTY OF WICOMICO:

I HEREBY CERTIFY that on this 20th day of September, 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:

05/28/25



Julie A English
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.

Victor H. Laws, III



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development 
Date: August 12, 2022
Re: Closing Paper Street - Johnson Rd
Closing Paper Street - Summersgate

The attached resolutions and deeds have been prepared and reviewed by legal to close the paper streets for the extension of Johnson Rd. and paper streets in the unfinished and previously platted section of Summersgate. The deeds will transfer the right of ways for Johnson Rd realignment and the unfinished section of Summersgate back to Vantage Point Partners. Legal Council discussed with the City Clerk that the closure and deeds would need to go to Council for their approval.

The closure of these paper street will not affect public access to any public roadways.

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

encl: (4)

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md