

RESOLUTION NO. 3199

A RESOLUTION of the Council of the City of Salisbury proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Corporate Limits of the City of Salisbury to be known as “John Deere Drive-Salisbury 50 Annex, LLC Annexation”, beginning at a point at the corner of the easterly existing Corporate Limits Line of the City of Salisbury, MD, at its intersection with the Southwest side of John Deere Drive, continuing South along the existing Corporate Limits Line a distance of 911.37 feet, thence continuing around the southeasterly perimeter of the affected property to a point at the intersection with the Southern existing Corporate City Limits Line along John Deere Drive and the Northeast corner of parcel 739, thence west along the existing Corporate City Limits line to the point of beginning, being all that real property identified as Map 0039, Grid 0011, Parcel 0739, consisting of 16.62 acres of land, more or less.

RECITALS

WHEREAS, the City of Salisbury has received a Petition for Annexation, dated June 17, 2021, attached hereto as **Exhibit 1** and incorporated by reference as if fully set forth herein, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed binding upon the Corporate Limits of the City of Salisbury to be known as “John Deere Drive-Salisbury 50 Annex, LLC Annexation”, beginning at a point at the corner of the easterly existing Corporate Limits Line of the City of Salisbury, MD, at its intersection with the Southwest side of John Deere Drive, continuing South along the existing Corporate Limits Line a distance of 911.37 feet, thence continuing around the southeasterly perimeter of the affected property to a point at the intersection with the Southern existing Corporate City Limits Line along John Deere Drive and the Northeast corner of parcel 739, thence west along the existing Corporate City Limits line to the point of beginning, being all that real property identified as Map 0039, Grid 0011, Parcel 0739, consisting of 16.62 acres of land, more or less, and further being the same real property more particularly described in the property description attached hereto as **Exhibit 2** and incorporated as if fully set forth herein, and being the same public rights-of-way more particularly depicted on that certain plat entitled “Annexation Plat” attached hereto as **Exhibit 3** and incorporated as if fully set forth herein (the aforesaid real property is hereinafter referred to as the “**Property**”); and

WHEREAS, the City of Salisbury has caused to be made a certification of the signatures on the said petition for annexation and the City of Salisbury has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of August 30, 2021, as set forth in the certification by Leslie C. Sherrill, Surveyor, of the City of Salisbury, attached hereto as **Exhibit 4** and incorporated by reference as if fully set forth herein; and

WHEREAS, it appears that the aforesaid Petition for Annexation, dated June 17, 2021, meets all the requirements of applicable state and local law; and

WHEREAS, pursuant to MD Code, Local Government, § 4-406, a public hearing on this Resolution, providing for the City of Salisbury’s annexation of the Property as set forth herein, shall be and hereby is scheduled for March 13, 2023 at 6:00 p.m.

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

Section 1. It is proposed and recommended that the municipal boundaries of the City of Salisbury be changed so as to annex to and include within the said municipal boundaries of the City of Salisbury all that certain real property more particularly described in **Exhibits 2 and 3** attached hereto and incorporated by reference as if fully set forth herein (the real property to be annexed by the City of Salisbury as contemplated by this Resolution is hereinafter referred to as the “**Property**”).

Section 2. The annexation of the Property be and hereby is approved by the Council of the City of Salisbury subject to all terms, conditions and agreements contained in the aforementioned property description, the proposed Annexation Agreement, and the Annexation Plan, attached as **Exhibits 2, 5 and 6, respectively**, each of which is attached hereto and incorporated herein as if all such terms, conditions and agreements contained in such Exhibits were specifically set forth at length in this Resolution.

Section 3. The Zoning Map of the City of Salisbury shall be amended to include the Property within that certain Zoning District of the City of Salisbury identified as “**Mixed Use Non-Residential**”, which said real property newly annexed into Corporate Limits of the City of Salisbury, as contemplated by this Resolution, is presently zoned “**LB-1 Light Business and Institutional**” in accordance with the existing zoning laws of Wicomico County, Maryland.

Section 4. Pursuant to MD Code, Local Government, § 4-406, the Council of the City of Salisbury shall hold a public hearing on this Resolution on March 13, 2023 at 6:00 p.m. in the Council Chambers at the City-County Office Building, and the City Administrator shall cause a public notice of time and place of the said public hearing to be published not fewer than two (2) times at not less than weekly intervals, in at least one (1) newspaper of general circulation in the City of Salisbury, which said public notice shall specify a time and place at which the Council of the City of Salisbury will the hold the aforesaid public hearing, the date of which shall be no sooner than fifteen (15) days after the final required date of publication as specified hereinabove.

AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY AS FOLLOWS:

Section 5. It is the intention of the Council of the City of Salisbury that each provision this

Resolution shall be deemed independent of all other provisions herein.


Section 6. It is further the intention of the 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 7. The Recitals set forth hereinabove are incorporated into this section of this Resolution as if such recitals were specifically set forth at length in this Section 7.

Section 8. This Resolution and the annexation of the Property as contemplated herein, shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum with respect to this Resolution as set forth in MD Code, Local Government, § 4-401, et seq.

THIS RESOLUTION was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on the 13th day of February, 2023, having been duly published as required by law in the meantime a public hearing was held on the 13th day of March, 2023 at 6:00 p.m., and was finally passed by the Council at its regular meeting held on the 13th day of March, 2023.

ATTEST:

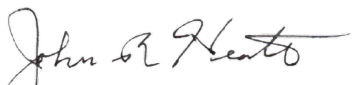


Kimberly R. Nichols,
City Clerk



Muir W. Boda,
Council President

APPROVED BY ME this 14 day of March, 2023.



John R. Heath,
Acting Mayor