

## RESOLUTION NO. 3202

**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 “South Division Street Annexation”, beginning at a point being an existing corner of the Corporate Limits Line of the City of Salisbury, MD near the westerly line of South Division Street at its intersection with the northerly right of way line of Onley Road extended. X 1,201,760.73 Y 188,850.09 (1) Thence by and with the said line of Onley Road, North eighty-nine degrees twenty-two minutes thirty-one seconds East (N 89° 22' 31" E) two hundred thirty-two decimal two, six (232.26) feet to a point on the said line of Onley Road and Corporate Limits Line. X 1,201,992.98 Y 188,852.62 (2) Thence leaving the said line and by and with the easterly line of the lands of OT 2005, LLC, North three degrees thirteen minutes one seconds East (N 03° 13' 01" E) three hundred forty- eight decimal zero, zero (348.00) feet to a point on the northerly line of the said OT 2005, LLC lands. X 1,202,012.51 Y 189,200.08 (3) Thence by and with the said line of OT 2005, LLC, North eighty-nine degrees forty-seven minutes forty-two seconds West (N 89° 47' 42" W) two hundred twenty-four decimal eight, five (224.85) feet to a point on the existing Corporate Limit Line near the westerly right of way line of South Division Street. X 1,201,787.66 Y 189,200.88 (4) Thence by and with the said line South four degrees twenty-three minutes twenty-five seconds West (S 4° 23' 25" W) three hundred fifty-one decimal eight, two (351.82) feet to the point of beginning, containing 1.831 acres, more or less.

**WHEREAS**, the City of Salisbury has received a Petition for Annexation, dated February 21, 2022, 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 “South Division Street Annexation” beginning at a point contiguous to and binding upon the existing corporate limits line of the City of Salisbury, MD, being on the westerly right of way line of South Division Street at the southern corporate limits of the City of Salisbury, continuing around the perimeter of the affected property to the point of beginning, being all that real property identified as Map 0048, Grid 0002, Parcel 199, Map 0048, Grid 0002, Parcel 200 and Map 0048, Grid 0003, Parcel 0202 and all that certain portion of the public road right-of-way known as “South Division Street” and further being the same real property more particularly described in the legal description attached hereto as **Exhibit 2** and incorporated as if fully set forth herein and being that same public right-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 “**Annexed Property**”); and

**WHEREAS**, pursuant to MD Code, Local Government, § 4-415, the City of Salisbury is required to adopt an Annexation Plan for the proposed annexation of the Annexed Property; and,

**WHEREAS**, pursuant to MD Code, Local Government, § 4-406, a public hearing on this Resolution, providing for the Council of the City of Salisbury's approval of the Annexation Plan (as defined hereinbelow) for the City of Salisbury's annexation of the Annexed Property as set forth herein, shall be and hereby is scheduled for April 10, 2023 at 6:00 p.m.

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

**Section 1.** The "Annexation Plan for the "OT 2005, L.L.C.— S. Division Street Annexation to the City of Salisbury", attached hereto as **Exhibit 4** and incorporated as if fully set forth herein (the "**Annexation Plan**"), be and hereby is adopted for the City of Salisbury's annexation of the Annexed Property as contemplated by this Resolution.

**Section 2.** Pursuant to MD Code, Local Government, § 4-406, the Council of the City of Salisbury shall hold a public hearing on this Resolution on April 10, 2023 at 6:00p.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 3.** 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 4.** 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 5.** 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 5.

**Section 6.** This Resolution and the annexation of the Annexed Property as contemplated herein, shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to

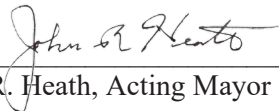
the right of referendum with respect to this Resolution as set forth in MD Code, Local Government, § 4-401, et seq.

**THIS RESOLUTION** was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on February 27, 2023 , having been duly published as required by law in the meantime a public hearing was held on April 10, 2023, at 6:00 p.m., and was finally passed by the Council of the City of Salisbury at its regular meeting held on the 10th day of April, 2023.

  
Kimberly R. Nichols,  
City Clerk

  
Muir W. Boda,  
Council President

APPROVED BY ME this 10th day of May, 2023.

  
John R. Heath, Acting Mayor

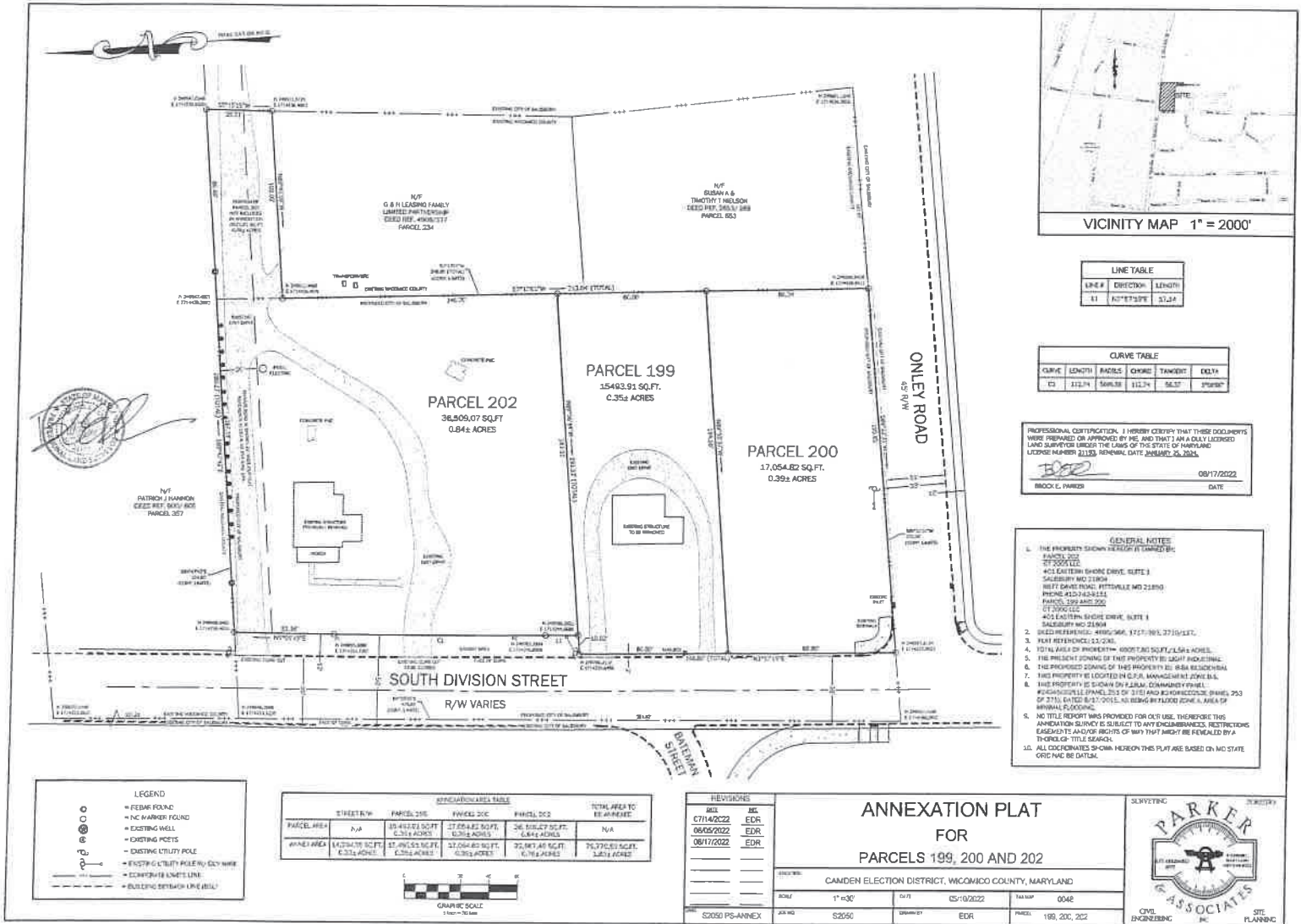


## S DIVISION STREET – OT 2005, LLC

Beginning for the same at a point being an existing corner of the Corporate Limits Line of the City of Salisbury, MD near the westerly line of South Division Street at its intersection with the northerly right of way line of Onley Road extended. X 1,201,760.73 Y 188,850.09 (1) Thence by and with the said line of Onley Road, North eighty-nine degrees twenty-two minutes thirty-one seconds East (N 89° 22' 31" E) two hundred thirty-two decimal two, six (232.26) feet to a point on the said line of Onley Road and Corporate Limits Line. X 1,201,992.98 Y 188,852.62 (2) Thence leaving the said line and by and with the easterly line of the lands of OT 2005, LLC, North three degrees thirteen minutes one seconds East (N 03° 13' 01" E) three hundred forty-eight decimal zero, zero (348.00) feet to a point on the northerly line of the said OT 2005, LLC lands. X 1,202,012.51 Y 189,200.08 (3) Thence by and with the said line of OT 2005, LLC, North eighty-nine degrees forty-seven minutes forty-two seconds West (N 89° 47' 42" W) two hundred twenty-four decimal eight, five (224.85) feet to a point on the existing Corporate Limit Line near the westerly right of way line of South Division Street. X 1,201,787.66 Y 189,200.88 (4) Thence by and with the said line South four degrees twenty-three minutes twenty-five seconds West (S 4° 23' 25" W) three hundred fifty-one decimal eight, two (351.82) feet to the point of beginning.

Annexation containing 1.831 acres, more or less.

# Exhibit 3







# Memorandum

**To:** Richard Baldwin, Director, City of Salisbury Department of Infrastructure & Development

**From:** Laura E. Hay, Esq.

**Date:** 1/24/2023

**Re:** *Fiscal Impact* – OT 2005, L.L.C Annexation of 1137, 1139 & 1141 S. Division St

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## Petition Requesting the City's Annexation of 1137, 1139 & 1141 S. Division St:

OT 2005, L.L.C., ("**OT 2005**") filed a Petition for Annexation (the "**Petition**"), dated February 21, 2022, with the City of Salisbury (the "**City**"), requesting the City annex the following parcels of lands:

Map 0048, Grid 0002, Parcel 199, consisting of 16,000 square feet more or less, having a premises address of 1139 St. Division St., Salisbury, Maryland 21804 ("**Parcel 199**"), pursuant to a Deed, dated October 27, 2022, from OT 2000, L.L.C. to OT 2005, recorded among the Land Records of Wicomico County, Maryland in Liber 5183, folio 1, and further having a Tax Identification Number of 13-006113;

Map 0048, Grid 0002, Parcel 200, consisting of 18,000 square feet more or less, having a premises address of 1141 St. Division St., Salisbury, Maryland 21804 ("**Parcel 200**"), pursuant to a Deed, dated October 27, 2022, from OT 2000, L.L.C. to OT 2005, recorded among the Land Records of Wicomico County, Maryland in Liber 5183, folio 1, and further having a Tax Identification Number of 13-012199;

Map 0048, Grid 0003, Parcel 0202, consisting of 36,509 square feet more or less, having a premises address of 1137 St. Division St., Salisbury, Maryland 21804 ("**Parcel 202**"), pursuant to a Deed, dated May 9, 2014, from Robert L. White, individually and t/a Whitey's Bar-B-Q to OT 2005, recorded among the Land Records of Wicomico County, Maryland in Liber 3710, folio 127, and further having a Tax Identification Number of 13-000093;

All that certain portion of the public road right-of-way known as "South Division Street", consisting of 0.33 acres of land more or less and being that same public right-of-way more particularly depicted on that certain plat entitled "Annexation Boundary Exhibit" dated August 17, 2022 and prepared by Parker & Associates, Inc., which is intended to be recorded among the Plat Records of Wicomico County, Maryland following annexation (the "**Annexation Plat**"). (The Annexation Plat is incorporated herein and a reduced scale copy of said Annexation Plat is attached hereto as **Exhibit 1**). The aforesaid public road right-of-way is hereinafter referred to as the "**South Division Street ROW**";

Parcel 199, Parcel 200, Parcel 202 and the South Division Street ROW are hereinafter referred to collectively as the "**Property**."

If approved by the City Council, the City's annexation of the Property will add 1.83 +/- acres of land to the municipal boundaries of the City, all of which will be zoned as "College and University" and subject to the standards set forth in Section 17.36.010 *et seq.* of the City of Salisbury City Code (the "**City Code**"). The City's annexation of the Property is estimated to have an immediate, annual net-positive fiscal impact on the City in the amount of \$6,534.75. This Memorandum is intended to summarize estimated costs the City will incur, and estimated revenues the City will generate, if the Property is annexed by the City as requested by the Petition.