

## RESOLUTION NO. 3346

**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 “**Diya Patel Properties, XII, LLC – West Road Annexation**”, beginning for the same at a point being South three degrees ten minutes fifty-eight seconds East (S 3° 10' 58; E) a distance of one hundred ninety-one decimal six, two (191.62) feet from a corner of the existing Corporate Limits Line of the City of Salisbury, MD (X 1,198,104.67 Y 202,392.01), being on the said Corporate Limits Line at a point being 1.48 feet easterly of the corner of Lot 11 of the "Manokin" subdivision. X 1,198,115.31 Y 202,200.68 (1) Thence by and with the northerly line of the said Lot 11, in part, South eighty-six degrees fifty-three minutes eight seconds West (S 86° 53' 08" W) one hundred thirty-five decimal one, five (135.15) feet to a point at the northwesterly corner of the said Lot 11. X 1,197,980.36 Y 202,193.34 (2) Thence by and with the said line Lot 11, in part, South three degrees thirty minutes fifty-two seconds East (S 3° 30' 52" E) two hundred eighty-one decimal five, zero (281.50) feet to a point at the southwesterly corner of Lot 13. X 1,197,997.62 Y 201,912.37 (3) Thence by and with the southerly line of the said Lot 13, in part, North sixty-seven degrees twenty-five minutes eight seconds East (N 67° 25' 08" E) one hundred forty-one decimal five, six (141.56) feet to a point being 1.87 feet beyond the southeasterly corner of the said Lot 13 also being near the westerly line of West Road on the existing aforesaid Corporate Limits Line. X 1,198,128.32 Y 201,966.73 (4) Thence by and with the said Corporate Limits Line North three degrees ten minutes fifty-eight seconds West (N 03° 10' 58" W) two hundred thirty-four decimal three, two (234.32) feet to the point of beginning (containing 0.80 acres, more or less to be annexed).

### RECITALS

**WHEREAS**, the City of Salisbury has received a Petition for Annexation, dated July 29, 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 “**Diya Patel Properties, XII, LLC – West Road Annexation**” beginning at a point contiguous to and binding upon the existing corporate limits line of the City of Salisbury, MD, being at the southernmost point of the affected property on the westerly right of way line of West Road at the western 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 0038, Grid 0001, Parcel 0346, block A, Lot 11, Lot 12 and Lot 13, 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 (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 January 6, 2023, as set forth in the certification by Leslie C. Sherrill, Surveyor, of the City of Salisbury, attached hereto as **Exhibit 3** and incorporated by reference as if fully set forth herein; and

**WHEREAS**, it appears that the aforesaid Petition for Annexation, dated July 29, 2022, 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 June 10, 2024 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 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 **Exhibit 2** 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, 4 and 5**, 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 “**General Commercial**”, which said real property newly annexed into Corporate Limits of the City of Salisbury, as contemplated by this Resolution, is presently zoned “**C-2 General Commercial**” 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 June 10, 2024 at 6:00 p.m. in the Council Chambers at the Government Office Building located at 125 N. Division St., 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 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:**

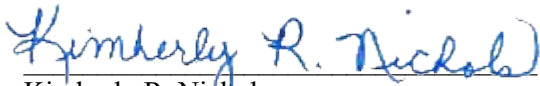
**Section 5.** It is the intention of the Council of the City of Salisbury that each provision this Resolution shall be deemed independent of all other provisions herein.


**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 May 13, 2024; having been duly published as required by law in the meantime, a public hearing was held on June 10, 2024 at 6:00 p.m., and was finally passed by the Council at its regular meeting held on June 10, 2024.

  
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Kimberly R. Nichols,  
City Clerk

  
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D'Shawn M. Doughty,  
Council President

APPROVED BY ME this 17 day of June, 2024.

  
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Randolph J. Taylor, Mayor