

RESOLUTION NO. 3365

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY TO CONFIRM THE COUNCIL VICE PRESIDENT HAS THE AUTHORITY TO EXECUTE ANY AND ALL CLOSING DOCUMENTS ON BEHALF OF THE CITY TO CONVEY THE MITCHELL LANDING APARTMENT COMPLEX FROM THE CITY OF SALISBURY TO THE WICOMICO COUNTY HOUSING AUTHORITY.

WHEREAS, by Resolution No. 3141, the Mayor and Council of the City of Salisbury approved the Land Disposition Agreement (“LDA”) between the City of Salisbury and Rivermitch, LLC, which authorized the sale of the Mitchell Landing Apartment Complex to Rivermitch, LLC, or its designee and authorized the Mayor to execute the LDA on behalf of the City; and,

WHEREAS, the Mitchell Landing Apartment Complex consists of real property identified as Map 0106, Parcel 1116 (Maryland Tax Account No. 09-056238), having a premises address of 135 Mitchell Road, Salisbury, Maryland 21801 and consisting of 2.68 acres more or less (“the Property”). The Property is improved by: four (4) two-story buildings, each of which contains six (6) apartment units, comprised of four (4) three-bedroom units and two (2) two-bedroom units (each an “Apartment” and collectively the “Apartments”); and, one (1) one-story multi-purpose building, at which the management office, laundry room and community center are located to serve the residents of the Apartments (the “Community Center”); and

WHEREAS, the City and Rivermitch, LLC executed the LDA dated December 20, 2021; and

WHEREAS, the Wicomico County Housing Authority, the designee of Rivermitch, LLC, has demanded Closing occur under the LDA; and

WHEREAS, the Closing is scheduled to occur on September 11, 2024;

WHEREAS, on or before Closing, the City must execute an Assumption and Modification Agreement; Bill of Sale; Special Warranty Deed; Owner’s Affidavit; and Settlement Statement (referred to collectively as “Closing Documents”) to effectuate the conveyance of the Mitchell Landing Apartment Complex from the City to the Wicomico County Housing Authority; and

WHEREAS, the Council wishes to ensure that the City meets its contractual obligations in a timely fashion and through this Resolution confirms the Council Vice President Angela Blake may execute the Closing Documents and any other documents necessary to consummate Closing on behalf of the City to convey the Mitchell Landing Apartment Complex from the City to the Wicomico County Housing Authority; and

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

Section 1. Council confirms that Council Vice President Angela Blake is authorized to execute, on behalf of the City of Salisbury, the Closing Documents and any other documents necessary to consummate Closing on behalf of the City of Salisbury with respect to the Mitchell Landing Apartment Complex.

Section 2. It is the intention of the 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 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 are incorporated into this section of the Resolution as if such recitals 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 9 day of September, 2024 and is to become effective immediately upon adoption.

ATTEST:


Julie A. English, City Clerk


Angela M. Blake, City Council Vice President