

RESOLUTION NO. 1236

A RESOLUTION of the Council of the City of Salisbury proposing the annexation to the City of Salisbury of a certain area of land situate contiguous to and binding upon the Easterly corporate limit of the City of Salisbury, to be known as the "Glen Avenue - Brown Property Annexation" being an area located on the Southerly side of Glen Avenue.

WHEREAS the City of Salisbury has received a petition to annex, 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, and being located on the Southerly side of Glen Avenue, said parcel being contiguous to and binding upon the Easterly corporate limit of the City of Salisbury;

WHEREAS the City of Salisbury has caused to be made a certification of the signatures on said petition to annexation and 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 April 25, 2005, as will more particularly appear by the certification of W. Clay Hall, Surveyor, of the City of Salisbury, attached hereto; and

WHEREAS it appears that the petition meets all the requirements of the law.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY THAT it is hereby proposed and recommended that the boundaries of the City of Salisbury be changed so as to annex to and include within said City all that parcel of land together with the persons residing therein and their property,

contiguous to and binding upon the Southerly side of Glen Avenue, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

SECTION 2. AND BE IT FURTHER RESOLVED BY THE CITY OF SALISBURY, THAT the annexation of the said area be made subject to the terms and conditions in Exhibit "B" attached hereto and made a part hereof.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, THAT the Council hold a public hearing on the annexation hereby proposed on June 13, 2005, at 6:00 o'clock 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 said hearing to be published not fewer than two (2) times at not less than weekly intervals, in a newspaper of general circulation in the City of Salisbury, of the area to be annexed, accurately describing the proposed annexation and the conditions and circumstances applicable thereto, which said notice shall specify a time and place at which the Council of the City of Salisbury will hold a public hearing on the Resolution.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, THAT this resolution shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum as contained in Article 23A of the Maryland Code.

The above resolution was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 9th day of May, 2005, and having

been duly published as required by law in the meantime, was finally passed after a public hearing at its meeting held on this _____ day of June, 2005.

Brenda J. Colegrove,
City Clerk

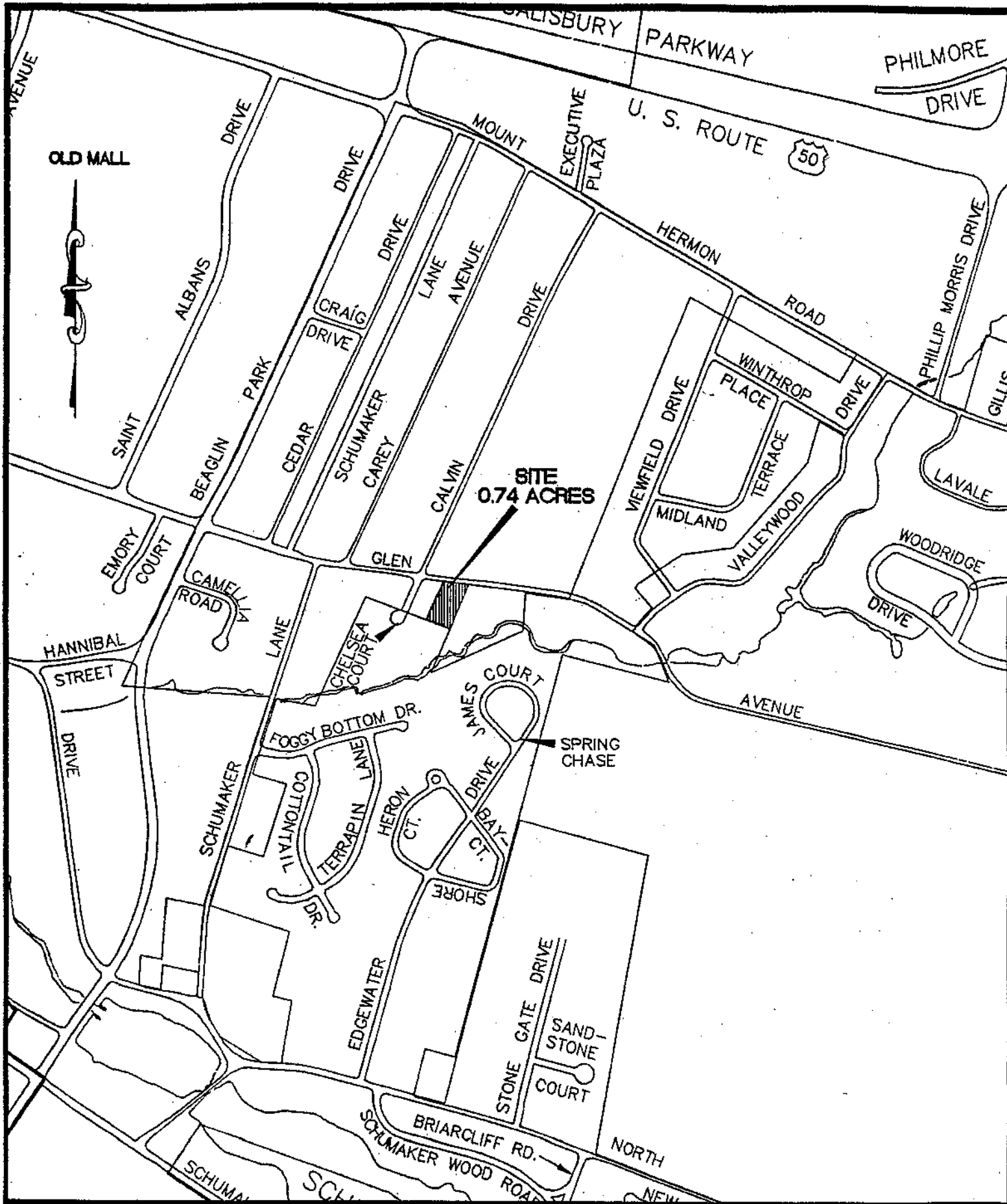
Michael P. Dunn,
Council President

APPROVED BY ME this _____ day of
_____ 2005.

Barrie P. Tilghman,
Mayor of the City of Salisbury

EXHIBIT "A"
GLEN AVENUE - BROWN PROPERTY ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the easterly Corporate Limit of the City of Salisbury to be known as "Glen Avenue - Brown Property Annexation" beginning for the same at a point on the Corporate Limit, said point being at the southeast corner of Lot 2 of Parcel 344 X 1,211,234.54 Y 194,469.03; thence by and with the easterly boundary line of Lot 2 North twenty-three degrees four minutes forty-two seconds East (N 23° 04' 42" E) two hundred and seventy-two decimal one, one (272.11) feet to a point on the southerly right of way line of Glen Avenue X 1,211,341.20 Y 194,719.36; thence generally with the southerly right of way line of said road North eighty-one degrees forty-nine minutes eighteen seconds West (N 81° 49' 18" W) one hundred and twenty-seven decimal five, six (127.56) feet to a point at the northwest corner of Lot 2 of Parcel 344 X 1,211,214.94 Y 194,737.51; thence by and with the westerly boundary line of said lot South twenty-three degrees fifty-five minutes forty-two seconds West (S 23° 55' 42" W) two hundred and forty-three decimal eight, five (243.85) feet to a point on the Corporate Limit X 1,211,116.04 Y 194,514.62; thence by and with the Corporate Limit South sixty-eight degrees fifty-seven minutes twenty-five seconds East (S 68° 57' 25" E) one hundred and twenty-six decimal nine, seven (126.97) feet to the point of beginning and containing 0.740 acres, all of which being the lands of Timothy H. and Tanya J. Brown. All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.



**GLEN AVENUE - BROWN PROPERTY
ANNEXATION - 5 -**

Exhibit "B"

CONDITIONS OF ANNEXATION

"GLEN AVENUE – BROWN PROPERTY ANNEXATION"

A. SERVICES AND TAXES

1. Property taxes will be assessed at the first normal taxing period following annexation.
2. Existing development areas will be given City services upon request. Services requiring engineering design, construction or budget funding will be initiated with the request and completed as soon as practical.
3. Services for developing areas will be made available in accordance with City policy in effect at the time the Public Works Agreement is signed and the Comprehensive Development Plan is approved. Note: No request for water and sewer service will be considered complete until all applicable fees, charges and assessments are paid.

B. GENERAL PROVISIONS

1. All EXISTING DEVELOPMENT which is served by onsite water and/or sewer systems may maintain those systems as long as they are in good working order and pose no threat to the environment, City water supply or until ordered to abandon the system(s) by the County Health Department or State Department of the Environment. Prior to connection, the property owner must initiate and complete a request for service with the City Department of Public Works. The application is not considered complete until all appropriate fees, charges and/or assessments are paid.
2. NEWLY DEVELOPING PROPERTIES will be required to use any City water and sewer system available at the time of construction or made available in conjunction with construction. All appropriate fees, charges and/or assessments must be paid before connection to the City service lines is completed.
3. WATER AND SEWER and other improvements and services will be made available to the extent possible to all parcels within the newly annexed areas in accordance with the City Policy in effect at the time the Public Works Agreement is signed and the Comprehensive Development Plan is approved.

CONDITIONS OF ANNEXATION
"GLEN AVENUE – BROWN PROPERTY ANNEXATION"

4. ZONING of the entire annexation area will be R-10 Residential as recommended by the Salisbury/Wicomico County Planning & Zoning Commission.

C. MISCELLANEOUS

1. As a condition of annexation, the petitioners shall pay the cost of annexation including, but not limited to, advertising costs associated with the annexation.
2. The City of Salisbury accepts no responsibility for the construction, maintenance or upkeep of any existing roadway, public or private, until such is brought up to City standards at the expense of the developer(s) and accepted by the Director of Public Works
3. All new streets or roadways shall be constructed at the expense of the developer(s) to City standards and accepted by the Director of Public Works prior to dedication. Dedication shall be by fee simple ownership.

D. SPECIAL CONDITIONS

1. None

Glen Ave Brown
Cond.ann.

Exhibit "C"

OUTLINE OF SERVICES AND FACILITIES
"GLEN AVENUE - BROWN PROPERTY ANNEXATION"

1. LAND USE PLAN

The land to be annexed is currently zoned R-15 Residential under Wicomico County Zoning regulations and is improved with a single family residence. Zoning shall be R-10 Residential upon annexation to the City of Salisbury, as recommended by the Salisbury/Wicomico County Planning and Zoning Commission.

No additional improvements are planned at this time.

2. LAND FOR PUBLIC FACILITIES

No need for land to provide public facilities is anticipated.

3. EXTENSION OF MUNICIPAL SERVICES

A City sewer main is located in Glen Avenue, adjacent to this site, to which connection was recently made. A water main can be extended to this site from Chelsea Court Apartments, within Glen Avenue.

Storm water is not managed at this time.

All City services can be available.

City of Salisbury



JOHN F. JACOBS III, P.E.
DIRECTOR
NEWELL W. MESSICK III, P.E.
DEPUTY DIRECTOR

MARYLAND
DEPARTMENT OF PUBLIC WORKS

GOVERNMENT OFFICE BLDG.
125 N. DIVISION STREET
SALISBURY, MARYLAND 21801-4940
Tel.: (410) 548-3170
Fax: (410) 548-3107

CERTIFICATION

GLEN AVENUE – BROWN PROPERTY ANNEXATION

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.

W. Clay Hall
W. Clay Hall
Surveyor

Date: 4/25/05

Brown Certif..ann

CITY OF SALISBURY
PETITION FOR ANNEXATION


To the Mayor and Council of the City of Salisbury:

I/We request annexation of my/our land to the City of Salisbury.

Parcel(s) # 344 Lot 2 Block A
1604 Glen Ave.

Map # 38

SIGNATURE(S)



11-25-03
Date

Tanya Brown

11-25-03
Date

Date

Date

Clay



**CITY OF SALISBURY - WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Salisbury-Wicomico County
Planning & Zoning Commission
Historic District Commission

Fax: 410-548-4955

Wicomico County Board of Zoning Appeals
City of Salisbury Board of Zoning Appeals
Agricultural Land Preservation Advisory Board

May 21, 2004

TO: Paul Wilber, City Solicitor
FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning
SUBJECT: **GLEN AVENUE - BROWN ANNEXATION - ZONING
RECOMMENDATION -R-10 RESIDENTIAL**

I. SUMMARY OF REQUEST:

On May 20, 2004, the Salisbury Planning Commission reviewed the proposed Glen Avenue - Brown annexation area located on the southerly side of Glen Avenue, on the easterly side of Salisbury. The property consists of approximately 0.74 acres.

II. RECOMMENDATION:

After review of the Staff Report and other information, the Commission recommended that this annexation area be zoned **R-10 Residential** upon annexation to the City of Salisbury. This zoning classification is consistent with the 1982 Wicomico County Comprehensive Plan recommendation of low-density residential development for this area.

III. DISCUSSION:

In accordance with established procedures, receipt of this material will authorize you to prepare the Resolution necessary to establish the zoning on this property after annexation.

If you have any questions, please do not hesitate to contact Gloria Smith.

Attachments

cc: John Jacobs, Director, Public Works
Clay Hall, Salisbury Public Works
John Pick, Executive Officer

THIS DEED made this 30th day of April, 2001 by Todd R. Gittings, hereinafter referred to as Grantor, WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good, valuable and sufficient considerations, in hand paid, receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto Timothy H. Brown and Tanya J. Brown, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor, forever in fee simple, all of the following described property:

ALL that lot, tract or parcel of land situate, lying and being in the Parsons Election District of Wicomico County and State of Maryland, located on and binding upon the southerly side of Glen Avenue Extended and being all of the property shown on a plat entitled "Michael Leroy Haddaway and Nancy Lou Haddaway" made by P.J. Hannon Associates, dated December 23, 1968 and recorded among the Land Records of Wicomico County, Maryland in Plat Liber J.W.T.S. 687, Folio 75, and also being shown as Lot No. 2 on a plat entitled "Chelsea Court" made by G.F. Schafer, dated August 1964 and recorded among the Land Records of Wicomico County, Maryland in Plat Liber J.W.T.S. No. 583, Folio 59. BEING the same property conveyed unto the Grantor herein by Deed dated October 19, 1990 and recorded among the Land Records of Wicomico County, Maryland in Liber M.S.B. No. 1245, Folio 75, et seq.

SUBJECT, HOWEVER, to all public ways, utility rights-of-way and easements of public record.

REFERENCE to the aforesaid Deed and the references therein contained is hereby made for a more particular description of the property hereby conveyed.

TOGETHER with all the improvements thereon and all the rights, ways, privileges and appurtenances thereunto belonging or in any manner appertaining.

TO HAVE AND TO HOLD the above described property unto Timothy H. Brown and Tanya J. Brown, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor, forever in fee simple.

AND the said Grantor does hereby covenant that he will warrant specially the property hereby conveyed and that he will execute such other and further assurances of same as may be requisite.

The Grantor hereby certifies under the penalties of perjury that the actual consideration paid or to be paid for the foregoing conveyance, including the amount of any mortgage or deed of trust assumed by the Grantees, is in the sum total of \$71,000.00.

AS WITNESS the execution hereof by the Grantor the day and year first above written.

WITNESS:

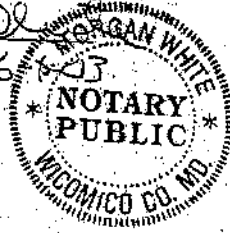
J. Morgan White

Todd R. Gittings (SEAL)
Todd R. Gittings, Grantor

STATE OF MARYLAND, WICOMICO COUNTY, TO WIT:

I HEREBY CERTIFY that on this 30th day of April, 2001, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Todd R. Gittings who acknowledged the foregoing Deed to be his act and deed and that he executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

J. Morgan White
NOTARY PUBLIC
My Commission Expires: 6-30-03


The undersigned hereby certifies that this instrument has been prepared by or under the supervision of an attorney duly admitted to practice before the Court of Appeals of Maryland.

J. Morgan White
J. Morgan White

File No. 55628

LIBER 1815 FOLIO 657

AFFIDAVIT OF GRANTEE AS
FIRST-TIME MARYLAND HOME BUYERS

The undersigned states under oath as follows:

1. The undersigned are the Grantees of residentially improved real property located at 1604 Glen Avenue, Salisbury, Maryland 21804, being more particularly described as Lot No. 2, Chelsea Court, Wicomico County, Maryland.

2. The undersigned are first-time Maryland home buyers, defined as individuals who have never owned, in the State of Maryland, residential real property that has been the individuals' principal place of residence, who will occupy the property as Grantees' principal residence.

[Signature]
Timothy H. Brown, Grantee
[Signature]
Tanya J. Brown, Grantee

SUBSCRIBED AND SWORN to before me, a Notary Public for the State of Maryland, County of Wicomico, this 3rd day of April, 2001.

IMP FD SUKE \$ 5.88
RECORDING FEE 20.00
RECONVALLION F 326.68
DE TAX STATE 177.58
TOTAL 529.16
Reel #102 Reel # 7779
Box # 5102 Box # 466
Nos 07/2001 04/2001

[Signature]
NOTARY PUBLIC
My Commission Expires: 6-1-03

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Wicomico County

By BE 40057-2001
Date



AGRICULTURAL TRANSFER TAX

\$ NA
By BE 5-7-2001
Date

I HEREBY CERTIFY THAT TAXES ARE PAID ON THE PROPERTY COVERED BY THIS DEED AS WELL AS ANY OTHER TAXES WHICH SHOULD BE COLLECTED BEFORE TRANSFER OF SAME PURSUANT TO SECTION 14 ARTICLE 21 OF THE ANNOTATED CODE OF MARYLAND.

PATRICIA B. PETERSEN
DIRECTOR OF FINANCE
WICOMICO COUNTY, MARYLAND

DELIVER TO
DELMARVA TITLE

Received for Record MAY 07 2001 and
recorded in the Land Records of Wicomico
County, Maryland in Liber M.S.B.
No. 1815 Folio 655-657
[Signature] Clerk