

**RESOLUTION NO. 1250**

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 Southerly corporate limits of the City of Salisbury, to be known as the "Mack Lane - University Park Phase II Annexation" being an area located on the Southerly side of Mack Lane.

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 Mack Lane, said parcel being contiguous to and binding upon the Southerly corporate limits 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 May \_\_\_\_, 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 Mack Lane, 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 July 11, 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 \_\_\_\_ 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 July, 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"

MACK LANE - UNIVERSITY PARK PHASE II ANNEXATION

A CERTAIN AREA OF LAND contiguous to and binding upon the southerly Corporate Limit of the City of Salisbury to be known as "Mack Lane - University Park Phase II Annexation" beginning for the same at a point on the Corporate Limit, said point being located South eighty degrees twenty-three minutes thirty-seven seconds East (S 80° 23' 37" E) one decimal four, one (1.41) feet from the southwest corner of the lands of "STATE OF MARYLAND to the use of the UNIVERSITY SYSTEM OF MARYLAND on behalf of its constituent institution, Salisbury University" X 1,200,120.92 Y 186,095.27; thence running by and with the boundary line of said lands the following four courses: (1) South eighty degrees twenty-three minutes thirty-seven seconds East (S 80° 23' 37" E) six hundred and four decimal zero, two (604.02) feet to a cement post X 1,200,716.46 Y 185,994.47; (2) North ten degrees thirty-one minutes fourteen seconds East (N 10° 31' 14" E) one hundred and fifty-two decimal one, three (152.13) feet to a cement post X 1,200,744.24 Y 186,144.05; (3) North seventy-nine degrees twenty-eight minutes forty-six seconds West (N 79° 28' 46" W) forty decimal zero, zero (40.00) feet to a cement post X 1,200,704.91 Y 186,151.35; (4) North ten degrees thirty-one minutes fourteen seconds East (N 10° 31' 14" E) two hundred and thirty-seven decimal two, seven (237.27) feet to a point on the Corporate Limit X 1,200,748.23 Y 186,384.63; thence running by and with the Corporate Limit the following two courses: (1) North eighty-four degrees thirty-one minutes three seconds West (N 84° 31' 03" W) five hundred and sixty-five decimal seven, six (565.76) feet to a point X 1,200,185.06 Y 186,438.69; (2) South ten degrees thirty-four minutes forty-seven seconds West (S 10° 34' 47" W) three hundred and forty-nine decimal three, five (349.35) feet to the point of beginning and containing 4.9245 acres, all of which is a part of the lands of "STATE OF MARYLAND to the use of the UNIVERSITY SYSTEM OF MARYLAND on behalf of its constituent institution, Salisbury University". All bearings and coordinates are referenced to the Maryland State Coordinate System, 1927 datum.

Exhibit "B"

CONDITIONS OF ANNEXATION

"MACK LANE – UNIVERSITY PARK PHASE II ANNEXATION"

A. SERVICES AND TAXES

1. This property is owned by the State of Maryland and is exempt from normal property taxes. However the State of Maryland and the City of Salisbury have negotiated a payment in lieu of taxes (PILOT) which provides for a payment equal to 50% of the property taxes that would normally be payable.
2. This property has been developed and connected to City of Salisbury water and sewer services.

B. GENERAL PROVISIONS

1. ZONING of the entire annexation area will be College University 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

None

University Park  
Cond.am:

Exhibit "C"

OUTLINE OF SERVICES AND FACILITIES  
"MACK LANE - UNIVERSITY PARK PHASE II ANNEXATION"

1. LAND USE PLAN

The land to be annexed is currently zoned R-15 Residential under Wicomico County Zoning regulations. Zoning of the entire annexation area will be College University as recommended by the Salisbury/Wicomico County Planning & Zoning Commission.

Two apartment buildings, containing a total of 48 apartment units lie within the annexation area. No further development is anticipated.

2. LAND FOR PUBLIC FACILITIES

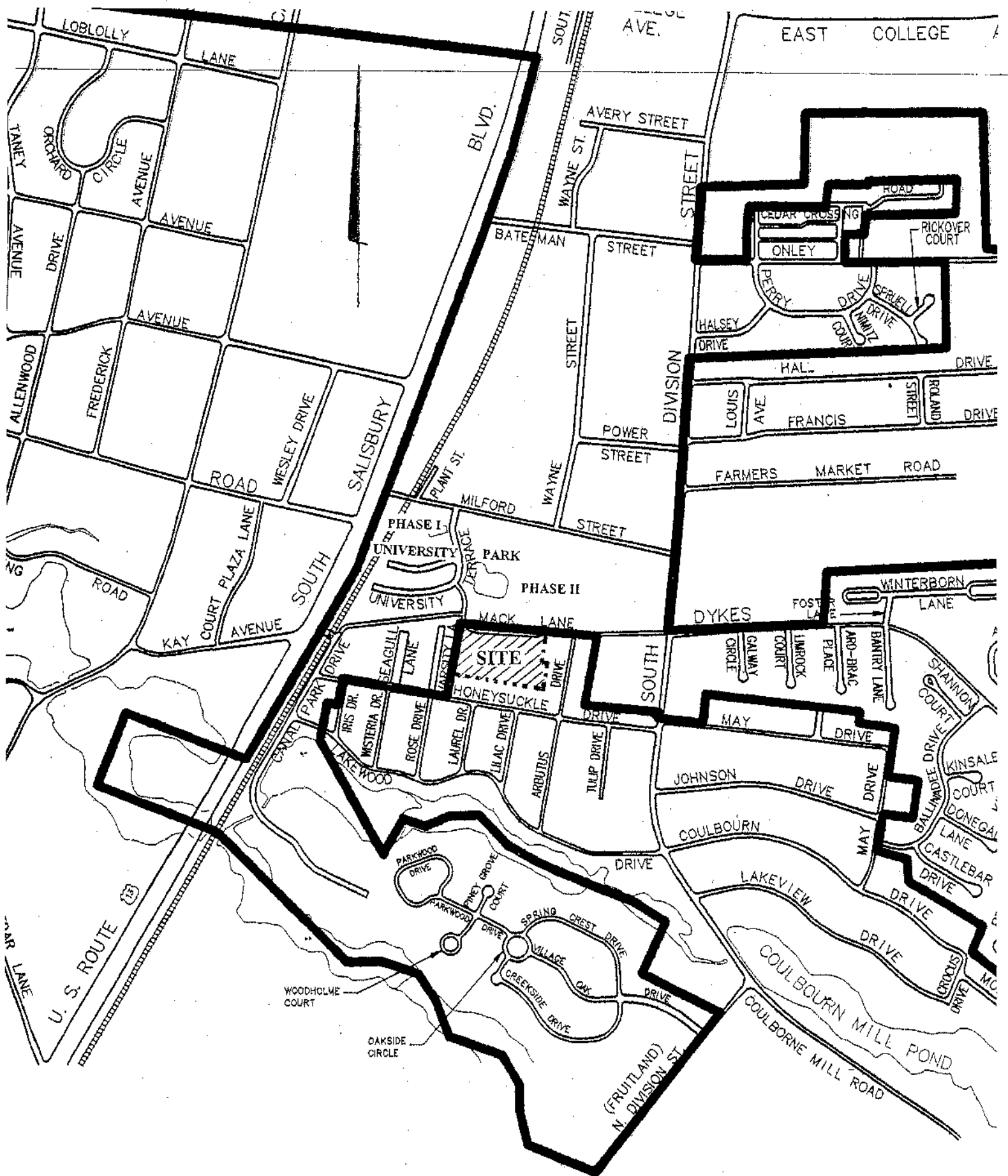
No utility easements for water and sanitary sewer mains throughout the site were required to be deeded to the City of Salisbury. No other public facilities are anticipated.

3. EXTENSION OF MUNICIPAL SERVICES

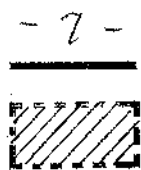
This property is connected to City of Salisbury water and sewer services. No water or sewer main extension is necessary to serve this development.

Storm water discharge from this development is managed onsite and discharges into an existing County storm drain facility that outfalls into Tony Tank Creek.

City services are available.



**MACK LANE  
UNIVERSITY PARK PHASE II  
ANNEXATION**



DENOTES EXISTING CORPORATE LIMIT  
DENOTES PROPOSED ANNEXATION AREA



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



Tel: 410-548-4860

Fax: 410-548-4955

Planning & Zoning Commission  
Historic District Commission  
Metropolitan Planning Organization

Wicomico County Board of Appeals  
Salisbury Board of Zoning Appeals

February 28, 2005 Cultural Land Preservation Advisory Board

Mr. John Jacobs  
City Department of Public Works  
125 North Division Street  
Salisbury, Maryland 21801

**RE: SALISBURY – MACK LANE – UNIVERSITY PARK II ANNEXATION  
– Zoning Recommendation – 5.0 Acres; M-48, P-632, G-8.**

Dear Mr. Jacobs:

The Wicomico County Planning Commission at it's meeting of February 24, 2005, forwarded a **FAVORABLE** recommendation to the Salisbury City Council and the Wicomico County Council for College University zoning upon annexation of the Mack Lane – University Park II property to the City of Salisbury.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith at 410-548-4860.

Sincerely,

John F. Lenox, AICP  
Director

Salisbury/Wicomico Planning & Zoning

JFL:brt

cc: Bill Holland, Director of Building, Housing and Zoning  
Paul Wilber, City Solicitor  
Assessments



THIS SPECIAL WARRANTY DEED is made this 25<sup>th</sup> day of JUNE, in the year Two Thousand Three, by CHARLES MICHAEL MALONE, 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, Grantor does hereby grant and convey unto STATE OF MARYLAND to the use of the UNIVERSITY SYSTEM OF MARYLAND on behalf of its constituent institution, SALISBURY UNIVERSITY, hereinafter referred to as "Grantee", its successors and assigns, the following described three (3) parcels of property:

(See attached legal descriptions of Parcel One, Parcel Two and Parcel Three)

REFERENCE to said deeds, plat and to preceding deeds of the property hereby conveyed, and to the references contained therein, is hereby made a part hereof as if herein fully set forth.

TOGETHER with the improvements thereon and all the rights, ways, roads, privileges, appurtenances and advantages thereto belonging or in any way appertaining, specifically including a non-exclusive easement for ingress and egress over and across that portion of Mack Lane from the Westerly line of North Arbutus Drive in an Easterly direction to the Westerly side of South Division Street.

TO HAVE AND TO HOLD the above granted property unto the said Grantee, its successors and assigns, forever in fee simple.

AND the said Grantors hereby covenant that they will warrant specially the property hereby conveyed and that they will execute such other and further assurances of the land as may be requisite and necessary.

\*  
\*  
\*  
\*

LIBER 2085 FOLIO 786

AS WITNESS my hand and seal the day and year first above written.

WITNESS:

*[Signature]*

*Charles Michael Malone* (SEAL)  
Charles Michael Malone

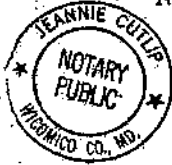
STATE OF MARYLAND, COUNTY OF WICOMICO:

I HEREBY CERTIFY, that on this 25<sup>th</sup> day of June, 2003, before me, the undersigned officer, personally appeared CHARLES MICHAEL MALONE, known to me to be the person whose name is subscribed unto the within instrument and he acknowledged that he executed the same for the purposes therein contained. AT THE SAME TIME, the said Grantor certified 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 Grantee is in the sum total of \$800,000.00.

AS WITNESS my hand and Notarial Seal.

*Jeanne Cutler*  
Notary Public

My Commission Expires: 7-1-04



THE FUND SUR 20.00  
RECORDING FEE 20.00  
TOTAL 40.00  
Res# N103 Rpt# 52348  
MSB 4498 Blk# 1889  
Jun 25, 2003 04:34 PM

The undersigned hereby certifies that this Deed was prepared by or under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

Date: 6-25-03

*Jeffrey H. Badger*  
Jeffrey H. Badger Attorney-at-Law

R-07-0389/Malone Special Warranty Deed

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

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

AGRICULTURAL TRANSFER TAX

By DS NA 6/25/2003  
05

*MB*  
6/25/03

Parcel ONE

(PARTICULAR DESCRIPTION KNOWN AS PARCEL ONE)  
Land of Charles Michael Malone and Life Estate of Helen Catherine Malone  
Located Between Varsity Lane and North Arbutus Drive  
In the Thirteenth Election District, Wicomico County, Maryland

February 19, 2003

BEGINNING for the same at a capped pin set in a dirt road at the beginning of the first or South 19° 30' West 215.00 foot Deed line of that lot designated as "Item One" in a Deed dated January 2, 1996, conveyed by Helen Catherine Malone unto Charles Michael Malone and recorded among the Land Records of Wicomico County, Maryland in Liber 1493, folio 317.

THENCE binding on the said first line with the bearings hereon being referred to the City of Salisbury Datum for the following course and distance,

- 1. South 09° 23' 14" West 216.37 feet to a capped pin set at the beginning of the second or North 78° 15' West 230.00 foot Deed line of the above mentioned lot.

THENCE binding on the said second line for the following course and distance;

- 2. North 87° 49' 54" West 230.00 feet to a capped pin set at the beginning of the third or North 15° 00' East 215.00 foot deed line of the aforesaid lot.

THENCE binding on the said third line for the following course and distance,

- 3. North 05° 25' 06" East 215.00 feet to a capped pin set at the beginning of the South 78° 06' 08" East 245.00 foot Plat line as shown on a Plat dated August 8, 1976, entitled "Montrose, Section No. 3" and recorded among the aforesaid Land Records in Plat Book A.J.S. 3, folio 247.

THENCE binding on the said Plat line for the following course and distance,

- 4. South 87° 49' 58" East 245.00 feet to the point of beginning.

CONTAINING 1.170 acres of land, more or less as surveyed by McCrone, Inc. on February 12, 2003.

BEING all that lot or parcel of land designated as "Item One" described in and conveyed by Deed dated January 2, 1996 from Helen Catherine Malone unto Charles Michael Malone reserving however, a Life Estate to the said Helen Catherine Malone for the term of her natural life. The said Deed is recorded among the Land Records of Wicomico County, Maryland in the Liber 1493, folio 317. Helen Catherine Malone died on July 8, 2002 thereby vesting title solely in Charles Michael Malone by operation of law.

BEING MORE PARTICULARLY DESCRIBED as all that lot or parcel of land labeled as land of "E. Mack Malone" on a Plat dated August 8, 1976, entitled "Montrose, Section No. 3" and recorded among the said Land Records in Plat Book A.J.S. 3, folio 247.

R-E17-03829 FATIC descrip. (Malone Parcel One)

Parcel TWO

**(PARTICULAR DESCRIPTION KNOWN AS LOT 11, MONTROSE SUBDIVISION, SECTION 3)**

Land of Charles Michael Malone  
Located Between Varsity Lane and North Arbutus Drive  
In the Thirteenth Election District, Wicomico County, Maryland

February 19, 2003

**BEGINNING** for the same at a concrete monument found on the south side of an old twenty foot wide road at the division line between Lots 12 and 11 as depicted on a plat entitled "Montrose, Section No. 3" and recorded among the Land Records of Wicomico County, Maryland in Plat Book A.J.S. 3, folio 247.

**THENCE** leaving Lot 12 and binding on the South 73° 06' 08" East 22.3 foot Plat line shown on the aforementioned Plat with the bearings hereon being referred to the City of Salisbury Datum for the following course and distance,

1. South 87° 49' 53" East 22.30 feet to a capped pin set at the end of the third or North 15° 00' East 215.00 foot Deed line of that lot designated as "Item One" in a Deed dated January 2, 1996, conveyed by Helen Catherine Malone unto Charles Michael Malone and recorded among the aforesaid Land Records in Liber 1493, folio 317.

**THENCE** binding on the said Deed line in a reverse direction for the following course and distance,

2. South 05° 25' 06" West 215.00 feet to a capped pin set.

**THENCE** binding on the second and first Deed lines of the above mentioned "Item One" for the following two courses and distances in a reverse direction;

3. South 87° 49' 54" East 230.00 feet to a capped pin set;

4. North 09° 23' 14" East 216.37 feet to a capped pin set in the previously mentioned twenty foot wide road at the beginning of the South 73° 06' 08" East 113.00 foot Plat line of Lot 11 as shown on the above mentioned Plat entitled "Montrose, Section No. 3" and recorded among the aforesaid Land Records in Plat Book A.J.S. 3, folio 247.

**THENCE** binding on the outline of the said Plat for the following three courses and distances;

5. South 87° 49' 58" East 112.71 feet to a capped pin set in the old twenty foot road,

6. South 84° 22' 35" East 191.24 feet to a capped pin set in the said road,

7. South 10° 31' 14" West 15.79 feet to a broken concrete monument found (buried ± 1.5 feet) at the end of the North 18° 45' East 106.53 foot Plat line of Lot 10 as depicted on a Plat dated August 8, 1976, entitled "Montrose, Section No. 2" and recorded among the aforesaid Plat Records in Plat Book 724, folio 71.

**THENCE** binding on the Lot 10 and Lot 9 as shown on the last mentioned Plat for the following course and distance,

8. South 10° 31' 14" West 221.53 feet to a capped pin set at the beginning of the fourth or South 71° 45' East 175.00 foot Deed line of that lot or parcel of land described in a Deed dated December 8, 1970 from Margaret V. Malone unto Katie Marie Disharoon and recorded among the aforesaid Land Records in Liber 723, folio 242.

**THENCE** binding on part of the fourth Deed line,

9. South 79° 28' 46" East 40.00 feet to a broken concrete monument found (buried ± 1 foot) at the end of the second or North 18° 45' East 152.16 foot Deed line of that lot or parcel of land described in a Deed dated March 25, 1966 from Margaret Virginia Malone unto Albert F. Bell and Rebecca A. Bell and recorded among the aforesaid Land Records in Liber 627, folio 67.

**THENCE** binding on the aforesaid second Deed line in a reverse direction for the following course and distance;

LIBER 2085 FOLIO 789

10. South 10° 31' 14" West 152.13 feet to a concrete monument found on the northeastern outline of a lot designated as Lot 2 on a Plat dated May 5, 1962, entitled "Montrose, Section No. 1" and recorded among the said Land Records in Plat Book 514, folio 9.

THENCE binding on part of Lot 2 and all of Lots 3 through 7 as shown on the above mentioned Plat for the following course and distance,

11. North 80° 23' 37" West 605.43 feet to a capped pin set on the eastern outline of a lot designated as Lot 2 on a Plat with a revision date of November 7, 2001, entitled "Subdivision Plat for Varsity Lane" and recorded among the said Land Records in Plat Book 14, folio 88.

THENCE binding on part of Lot 2, all of Lot 3, Lot 4 and that Lot designated as "Stormwater Area" as shown on the last mentioned Plat for the following course and distance;

12. North 10° 18' 58" East 327.57 feet to the point of beginning

CONTAINING 3.682 acres of land, more or less as surveyed by McCrone, Inc. on February 12, 2003

BEING all that lot or parcel of land designated as "Item Two" conveyed by Deed dated January 2, 1996 from Helen Catherine Malone unto Charles Michael Malone reserving however a Life Estate to the said Helen Catherine Malone for the term of her natural life. The said Deed is recorded among the Land Records of Wicomico County, Maryland in Liber 1493, folio 317. Helen Catherine Malone died on July 8, 2002 thereby vesting title solely in Charles Michael Malone by operation of law.

BEING MORE PARTICULARLY DESCRIBED as all that lot or parcel of land designated as Lot 11 on a Plat dated August 8, 1976, entitled "Montrose, Section No. 3" and recorded among the said Land Records in Plat Book A.J.S. 3, folio 247.

R-E7-0385 FATIC descrip. (Malone Lot 11)

## Parcel THREE

**(PARTICULAR DESCRIPTION KNOWN AS PORTION OF MACK LANE)**

Located between Varsity Lane and North Arbutus Drive  
in the Thirteenth Election District, Wicomico County, Maryland  
April 28, 2003

**BEGINNING** for the same at a concrete monument found on the south side of "Mack Lane, Private Road" at the division line between Lot 11 and Lot 12 as shown on a Plat dated August 3, 1976, entitled "Montrose, Section No. 3" and recorded among the Plat Records of Wicomico County, Maryland in Plat Cabinet A.J.S. 3, folio 247.

**THENCE** running through, across and over Mack Lane with the bearings hereon being referred to the City of Salisbury Datum for the following course and distance;

1. North  $10^{\circ} 18' 58''$  East 24.01 feet to a point on the north side of Mack Lane and on the southern outline of that lot designated as Lot 1AA as depicted on a Plat dated April 29, 1999, entitled "Minor Subdivision Plat of Lot No. 1A, The Lands of Milford G. Perdue Residuary Trust" and recorded among the aforesaid Plat Records in Plat Cabinet 11, folio 334.

**THENCE** binding on part of Lot No. 1AA for the following two courses and distances;

2. South  $84^{\circ} 29' 06''$  East 276.22 feet to a concrete monument found;

3. South  $84^{\circ} 41' 42''$  East 12.52 feet to an iron rod found at the southwest corner of that lot designated as Lot No. 1B as shown on a Plat dated October 22, 1992, entitled "Lands of Milford G. Perdue Resubdivision" and recorded among the aforesaid Plat Records in Plat Cabinet M.S.B. 8, slot 64, folio 256.

**THENCE** binding on Lot No. 1B and part of Lot No. 2A for the following two courses and distances;

4. South  $84^{\circ} 56' 17''$  East 278.16 feet to a concrete monument found,

5. South  $86^{\circ} 56' 51''$  East 2.10 feet to a point.

**THENCE** leaving the north side of Mack Lane and Lot No. 2A running through, across and over the said Lane for the following course and distance;

6. South  $10^{\circ} 31' 14''$  West 4.45 feet to a capped pin set at the northeast corner of Lot 11 as shown on the first mentioned Plat recorded in Plat Cabinet A.J.S. 3, folio 247.

**THENCE** binding on the said Lot 11 for the following course and distance;

7. North  $84^{\circ} 22' 35''$  West 191.24 feet to a capped pin set at the end of the South  $73^{\circ} 06' 08''$  East 503.96 foot line shown on the last mentioned Plat.

**THENCE** binding on part of the said line in a reverse direction, for the following course and distance;

8. North  $87^{\circ} 49' 53''$  West 380.01 feet to the point of beginning.

**CONTAINING** 5,553 square feet or 0.127 acres of land, more or less, as surveyed by McCrone, Inc. in February, 2003.

**BEING** a part of the Old 20 wide road shown on the northern outline of a Plat dated August 3, 1976, entitled "Montrose, Section No. 3" recorded among the Plat Records of Wicomico County in Plat Cabinet A.J.S. 3, folio 247.

R-E7-0389FATIC descrip. (Malone Mack Lane)

JUN 25 2003

Received for Record \_\_\_\_\_ and  
recorded in the Land Records of Wicomico  
County, Maryland in Liber M.S.B.  
No. 2085 Folios 785-790

Mark S. Brown Clerk