

**CITY OF SALISBURY
DEPARTMENT OF PUBLIC WORKS**

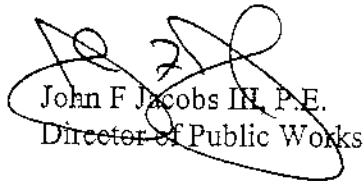
To: Office of Mayor
From: John F. Jacobs III, P. E., Director of Public Works
Subject: Closing a Portion of First Street
Date: November 5, 2004

This office has received a request from Bubble Junction Car Wash, LLC and Pemberton Housing, LP to close the portion of First Street located on the southeast side of Fairground Drive, as shown on the attached sketch. The proposed area to be abandoned is 30' wide and approximately 420' in length. Because First Street and South Street are both unimproved (paper) streets, existing traffic patterns will not be affected. There are no City of Salisbury utilities located within the proposed area of closure; therefore no easement area will have to be retained by the City. The City of Salisbury will convey its interest in the abandoned area to Bubble Junction Car Wash, LLC and Pemberton Housing, LP, with each owner receiving an interest to that abandoned area, up to the centerline of the old roadway. Pemberton Housing, LP might convey their interest in the abandoned area to Bubble Junction Car Wash, LLC.

City staff recommends that the abandonment be approved with the following condition.

1. Existing storm water drainage patterns shall remain unchanged unless altered in accordance with a plan approved by this office and implemented at the expense of the property owner.

It is therefore requested that the City Solicitor be authorized to draft the proper ordinance to bring before City Council for their action.


John F. Jacobs III, P.E.
Director of Public Works

Attachments
cc: Paul Wilber

firstclose.mem

RECEIVED NOV 16 2004

**BUBBLE JUNCTION CAR WASH, LLC
1110 Parsons Road
Salisbury, Maryland 21801**

October 12, 2004

John Jacob, Director of Public Works
City of Salisbury
125 North Division Street
Salisbury, Maryland 21801

Dear Mr. Jacob:

We, the undersigned, petition your Department and the Mayor and Council of the City of Salisbury to close First Street as shown on the attached plat. The street as it exists on the plat has never been used by the public and is unpaved. No water, sanitary sewer, or storm drains exist within the street bed.

We, the undersigned, are all of the adjacent property owners that adjoin First Street.

Thank you for your anticipated cooperation.

BUBBLE JUNCTION CAR WASH, LLC

By: D. Mitchell Wyatt
D. Mitchell Wyatt

PEMBERTON HOUSING LP

By: David R. Pemberton
Manager, Salisbury Manor, LLC, General Partner

Enclosure

**CITY OF SALISBURY
ORDINANCE NO. 1919**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY FOR THE CLOSING OF AN AREA OF LAND WHICH IS A PORTION OF FIRST STREET, IN SALISBURY ELECTION DISTRICT, CITY OF SALISBURY, WICOMICO COUNTY, STATE OF MARYLAND, AND FOR THE CONVEYANCE TO PEMBERTON HOUSING, LP AND BUBBLE JUNCTION CAR WASH, LLC, OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF SALISBURY IN AND TO THE BED OF SAID CLOSED STREET.

WHEREAS, First Street is currently an unimproved paper street, a portion of which runs in an Easterly direction from Fairground Drive;

WHEREAS, the City of Salisbury Department of Public Works has determined that it is in the best interest of the City to close said paper street and deed it to the adjoining property owners, subject to a reservation of an easement for all underground utilities and a continuation of stormwater drainage patterns; and

WHEREAS, Pemberton Housing, LP and Bubble Junction Car Wash, LLC, are the adjoining land owners and are in agreement with the closure of said street; and

WHEREAS, the City of Salisbury has decided to abandon the property as it has no value; and

WHEREAS, the Salisbury Charter SC11-2 gives the City charge of all public ways in the City of Salisbury, and SC16-18 allows the City to abandon or otherwise dispose of property that is not saleable.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, as follows:

1. That the areas designated as a portion of First Street, all as more particularly shown on a plat, which is attached hereto, is hereby closed and vacated as a public street, alley or way.
2. That existing surface stormwater drainage patterns shall remain or be continued as the City determines, unless a plan provided by the Grantee for alteration of stormwater drainage is approved by the Department of Public Works and constructed and implemented at the expense of the property owner.

3. For the purposes and reasons hereinabove set forth, the City of Salisbury be, and hereby is, authorized to convey to Pemberton Housing, LP and Bubble Junction Car Wash, LLC, all of its right, title and interest in the designated area of First Street, subject to the reservation of rights set forth above.

4. The City Solicitor be, and hereby is, directed to prepare and submit for execution by the City of Salisbury, an appropriate deed for the purposes aforesaid.

5. This Ordinance shall take effect from the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of November, 2004, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the _____ day of _____ 2004.

Brenda J. Colegrove
City Clerk

Michael P. Dunn,
President of the City Council
of the City of Salisbury

Approved by me this _____
day of _____ 2004.

Barrie P. Tilghman
Mayor of the City of Salisbury

AND CONVEYED TO BUBBLE JUNCTION CAR WASH LLC.
AREA = 12 705.50 S.F. 0.29 ACRES±

FIRST STREET

UNIMPROVED

420.10'

N 196808.0344
E 1196272.6625

N 196488.6279
E 1196545.5392

BUILDING SETBACK LINE
TO BE ELIMINATED PER THIS PLAT

N40°30'29"W

130.01'

AREA OF FIRST STREET TO BE
ADDED TO LOT 1 = 3,868.91 S.F., 0.09 ACRES±

127.91'

AREA OF FIRST STREET TO BE
ADDED TO LOT 2 = 8,836.73 S.F., 0.20 ACRES±

PROPERTY LINE TO BE REMOVED PER THIS PLAT

10' BSL

290.09'

30.00'

35.00'

35.00'

35.00'

35.00'

35.00'

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BUILDING SETBACK LINE
TO BE ELIMINATED PER THIS PLAT

LOT 1A

#1104 Parsons Road

0.61± Acres
22,430 S.F.

50' DSL

LOT 1

0.52± ACRES

LOT 2

1.22± ACRES

LOT 2A

#1108 Parsons Road
1.42± Acres
53,238.95 S.F.

N 196969.0517
E 1196454.8789

N 197062.8036
E 1196558.4215

N 197081.4015
E 1196586.6695

CITY OF SALISBURY
WICOMICO COUNTY

FAIRGROUND DRIVE

PARSONS ROAD

60' R/W

EXISTING PAVING

EXISTING CURB

EXISTING 4' WALK

EXISTING 4' WALK

EXISTING CURB

EXISTING 15' SD

EXISTING 15' SD

EXISTING 15' SD

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EXISTING 15' SD

EXISTING 15' SD

LL

EXISTING CURB

10.00'

10.00'

10.00'

10.00'

10.00'

10.00'

S40°30'31"E

N49°29'31"E

11.61'

270.09'

S85°30'24"E

385.09'

N49°29'31"E

N49°29'31"E

N49°29'31"E

N49°29'31"E

N49°29'31"E

N49°29'31"E

N49°29'31"E

