

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: PAUL D. WILBER

RE: CLOSURE OF AN UNPAVED PORTION OF SCENIC DRIVE
OUR FILE NO. 30303 - 735

DATE: January 6, 2005

The Public Works Department received a request from Marshall Management inquiring if the City would consider closing the unpaved portion of the Scenic Drive right-of-way. Marshall Management desires to increase the size of its building for business expansion and would need the extra strip of land for the construction.

The 9,332.88 square foot parcel of land lies South of Naylor Mill Road and East of the paved portion of Scenic Drive. Public Works does not find any adverse effect on existing traffic patterns, nor a need for an expansion of Scenic Drive.

Public Works recommends that the unpaved portion of Scenic Drive be abandoned and the City's interest conveyed unto Marshall Family Real Estate Company, LLC, with the following conditions:

1. Existing stormwater drainage patterns shall remain unchanged, unless altered in accordance with a plan approved by Public Works and implemented at the expense of the property owner.

2. The City of Salisbury shall retain a utility easement over a large portion of the area being abandoned for the purpose of, but not limited to, water mains, sewer and stormwater pipes and appurtenant structures, which are either currently in place or are needed in the future.

PDW/mam

**CITY OF SALISBURY
ORDINANCE NO. 1925**

AN ORDINANCE of the Council of the City of Salisbury for the closing of an area of land shown as a right-of-way South of Naylor Mill Road and East of Scenic Drive in the Parsons Election District, City of Salisbury, Wicomico County, State of Maryland, and for the conveyance of all the right, title and interest of the City of Salisbury in and to a portion of the Scenic Drive right-of-way to Marshall Family Real Estate Company, LLC.

WHEREAS, an unpaved portion of Scenic Drive is located South of Naylor Mill Road and East of the paved portion of Scenic Drive, as is more fully shown on a plat attached hereto; and

WHEREAS, the City of Salisbury Department of Public Works has determined that the area of land designated on the attached plat shown as "Area of Right-of-way to be Acquired by Marshall Management" is not needed as a public way as there exists a means of public travel in a Southerly direction on the paved portion of Scenic Drive, and the City believes that it is in the best interest of the City to close said unpaved portion of Scenic Drive, deeding same to the adjoining property owner, subject to the reservation of an easement for all underground utilities and other easements, and continuation of stormwater drainage patterns; and

WHEREAS, Marshall Family Real Estate Company, LLC, owns land which adjoins the unpaved portion of the Scenic Drive right-of-way, and has requested that the City of Salisbury close said portion of Scenic Drive; and

WHEREAS, the City of Salisbury has determined to abandon the unpaved portion of Scenic Drive 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 SC16-8 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 area designated as "Area of Right-of-way to be Acquired by Marshall Management," containing 9,332.88 square feet, as shown on the attached plat of the Scenic Drive right-of-way, is hereby closed and vacated as a public street, alley or way.

2. That in closing such public street or way, the City of Salisbury retains rights in the property. The transfer of the property is subject to the City having and retaining all utility easements (specifically an easement area 10' in width and 43.13' in width shown on the attached plat), including, but not limited to, the right to install, maintain, continue, terminate or in any way deal with sewer lines, water lines, stormwater lines, gas, electric, cable lines and such other utilities as the City may desire or may elect to permit to be assigned. The existing surface stormwater drainage pattern shall remain or be continued as the City determines, unless a plan requested 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 hereandabove set forth, the City of Salisbury, be, and hereby is, authorized to convey to Marshall Family Real Estate

Company, LLC, all of its right, title and interest in the designated area of the unpaved portion of Scenic Drive, 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 _____, 2005, and having been published as required by law, in the meantime, was finally passed by the Council on the _____ day of _____, 2005.

Brenda J. Colegrove, City Clerk

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

Approved by me, this _____
day of _____, 2005.

Barrie P. Tilghman,
Mayor of the City of Salisbury

Naylor Mill Road

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EX

LISBURY
MENT PLANT

