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June 30, 2005

Memorandum for City Administrator

Subject: Proposed Ordinance on Closing a Portion of two Streets

Purpose. To provide information to the City Council on the proposed closing and ownership transfer of Huston Terrace and a portion of West Locust Street.

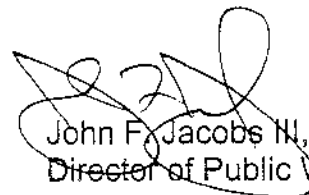
Bottom Line Upfront Recommendation: I recommend the City Council authorize the closure and transfer of ownership of Huston Terrace and a portion of West Locust Street from the City to Peninsula Regional Medical Center through the attached ordinance.

Discussion.

- Peninsula Regional Medical Center has requested the ownership of Huston Terrace and a portion of West Locust Street. Enclosure 1 is the memorandum requesting the closure.
- Peninsula Regional Medical Center is expanding its facilities in accordance with a master plan. The master plan has a located a future building on Huston Terrace and West Locust will be widened and expanded to become the primary entrance to the Hospital.
- The Department of Public Works has reviewed the request.

Unless you or the Mayor, have further questions, please forward this memorandum to the City Council. For any additional questions you may have, I can be reached at (410) 548-3170 or by e-mail at jjacobs@ci.salisbury.md.us.

Sincerely,


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

Enclosures:

- 1 - Peninsula Regional Medical Center memorandum, June 2, 2005
- 2 - Ordinance

JOHN F. JACOBS III, P.E.
DIRECTOR

NEWELL W. MESSICK III, P.E.
DEPUTY DIRECTOR

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ORDINANCE No. 1951

AN ORDINANCE ENACTED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND FOR THE CLOSING OF AN AREA OF LAND BEING A PORTION OF HUSTON TERRACE AND WEST LOCUST STREET, IN THE CITY OF SALISBURY, WICOMICO COUNTY, STATE OF MARYLAND, AND FOR THE CONVEYANCE OF SAID PARCELS TO PENINSULA REGIONAL MEDICAL CENTER OF ALL RIGHT, TITLE AND INTEREST IF ANY, OF THE CITY OF SALISBURY IN AND TO THE BED OF A PORTION OF SAID STREETS.

WHEREAS Peninsula Regional Medical Center is planning to expand its facilities to increase its quality and responsive medical care to meet the needs of the region's growing population;

WHEREAS Peninsula Medical Center's master plan establishes a new building to be located on Huston Terrace and enlarge a portion of West Locust Street to become the primary entrance to the Medical Center's facilities;

WHEREAS Huston Terrace and West Locust Street are City of Salisbury public ways in accordance with the SC11-2 of the Salisbury Charter;

WHEREAS the City Council desires to facilitate the expansion of Peninsula Regional Hospital to provide better and expanded medical care and quality of life for Salisbury residents;

WHEREAS Peninsula Regional Medical Center has obtained ownership of all the parcels abutting the public ways proposed to be closed;

WHEREAS Peninsula Regional Medical Center has requested that the City close Huston Terrace and a portion of West Locust Street;

WHEREAS the City of Salisbury has determined to abandon the property as it is of 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 allow the City to abandon or otherwise dispose of property that is not saleable.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the City of Salisbury, Maryland, as follows:

1. That the area designated as West Locust Street from Waverly Drive to Huston Terrace and Huston Terrace from West Vine Street to West Locust Street is hereby closed and vacated as a public street, alley, or way.

2. That in closing such public streets or ways, the City of Salisbury retains rights in the property. The transfer of the property is subject to the City having and retaining existing stormwater drainage patterns which shall remain unchanged unless altered in accordance with a plan approved by Salisbury Public Works and implemented at the expense of the property owner. The property is further subject to the reservation of an easement for all underground public utilities.
3. That for the purposes and reasons hereinabove set forth, the City of Salisbury be, and hereby is, authorized to convey to Peninsula Regional Center, all of its right, title and interest in the designated area of West Locust Street from Waverly Drive to Huston Terrace and Huston Terrace from West Vine Street to West Locust Street.
4. In consideration hereof, Peninsula Regional Medical Center shall pay all expenses associated with this Ordinance.
5. 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.
6. 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 at its meeting on the ___ day of _____, 2005.

ATTEST:

 Brenda J. Colegrove
 City Clerk

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

Approved by me this _____ day of _____, 2005.

 Barrie P. Tilghman
 Mayor of the City of Salisbury

THIS QUITCLAIM DEED, made this _____ day of _____, in the year Two Thousand and Five, by the CITY OF SALISBURY, a municipal corporation of the State of Maryland, Grantor, and PENINSULA REGIONAL MEDICAL CENTER, of Wicomico County, State of Maryland, Grantees.

WHEREAS, by Ordinance No. _____, passed at a meeting of the Council of the City of Salisbury, on the _____ day of _____, 2005, the City of Salisbury closed and vacated as a portion of a public street known as _____, and being shown on a plat attached hereto; and

WHEREAS, the City of Salisbury was, by Ordinance No. _____, authorized to convey to Peninsula Regional Medical Center, all of its right, title and interest, in and to that portion of _____ St. as shown on the plat attached hereto.

NOW, THEREFORE, THIS QUITCLAIM DEED WITNESSETH, that for and in consideration of the sum of Zero Dollars (\$0.00) and other good, valuable and sufficient considerations, receipt of which is hereby acknowledged, the CITY OF SALISBURY does hereby grant, convey, release, assign and quitclaim unto PENINSULA REGIONAL MEDICAL CENTER, its successors and assigns, the following described property: ALL that lot, piece or parcel of land situate, lying and being in _____ Election District, City of Salisbury, Wicomico County, State of Maryland, and being more particularly described as follows:

REFERENCE to the aforesaid deed and plat and all prior deeds to and plats of the above property is hereby made for a more definite description of the property hereby granted and conveyed, or for any other purpose, to the same extent as though herein more fully set forth. TOGETHER WITH the buildings and improvements thereon and all the

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rights, ways, alleys, waters, roads, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto the said Peninsula Regional Medical Center, its successors and assigns, forever in fee simple. The City reserves unto itself, its successors and assigns, a utility easement for the unpaved portion of _____, shown on the attached plat, including, but not limited to, the rights to install, maintain, continue, terminate or in any way deal with sewer lines, water lines, stormwater lines, gas, electric, cable lines and other such utilities as the City may desire or may elect to permit to be assigned; and Grantor remains all air rights above the easement area. Grantee, its successors and assigns, shall not erect any structure in the easement area, and surface stormwater drainage patterns shall be determined by the City.

AS WITNESS the hand and seal of the said City of Salisbury the day and year first above written.

TEST:

CITY OF SALISBURY

Brenda J. Colegrove, Clerk

_____(SEAL)
By: Barrie P. Tilghman, Mayor

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 2005, before me the subscriber, a Notary Public for the state and county aforesaid, personally appeared Barrie P. Tilghman, Mayor of the City of Salisbury, who acknowledged the foregoing deed to be its act and deed.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

DRAFT



Mr. John F. Jacobs, III
Director of Public Works
City of Salisbury
125 North Division Street.
Salisbury, Md. 21801

June 2, 2005.

Dear John,

As you are aware, the Peninsula Regional Medical Center is currently in the final launching stages of a Master Facility Plan that will significantly change the footprint of our buildings and alter our site plan. To meet the needs of our new site plan, we are requesting the City of Salisbury turn over to the Medical Center two streets that are currently City owned and maintained. Those two streets are:

- West Locust Street, from Waverly Drive to Huston Terrace.
- Huston Terrace from West Vine Street to West Locust Street.
(please see attached plan)

The Medical Center currently owns all adjacent properties bordering both of these streets. There remains only one occupied property on Huston Terrace, and that property will be vacated by June 30, 2005. Of course, we clearly understand that once the City of Salisbury turns these streets over to the Medical Center, we are then responsible for all future maintenance.

Please let me know if there are any other steps that we need to take in this process. Thanks in advance for your assistance, and please feel free to contact me directly with any questions at 410.543.7342.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce W. Patterson".

Bruce W. Patterson
Director,
Facilities Management

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ENCLOSURE 1 (1/2)

