

CITY OF SALISBURY
ORDINANCE NO. 2041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY FOR ABANDONMENT OF AN EASEMENT FOR UNDERGROUND UTILITY LINES THAT HAVE BEEN RELOCATED, FOR WHICH THE CITY HAS BEEN GRANTED AN EASEMENT, ON PROPERTY KNOWN AS THE CENTRE AT SALISBURY, IN THE PARSONS ELECTION DISTRICT, CITY OF SALISBURY, WICOMICO COUNTY, STATE OF MARYLAND, AND FOR THE CONVEYANCE TO THE OWNER OF THAT PROPERTY OF ALL RIGHT, TITLE AND INTEREST OF THE CITY OF SALISBURY IN AND TO THE ABANDONED EASEMENT AREA AND ALL UNDERGROUND LINES AND OTHER IMPROVEMENTS IN THAT AREA.

WHEREAS, Macerich SGC Limited Partnership ("Macerich") owns certain real property known generally as The Centre at Salisbury that is encumbered by an underground public utility easement established by Deed of Easement by Salisbury-Springhill Limited Partnership, dated June 25, 1993, recorded among the aforesaid Land Records in Liber M.S.B. No. 1345, Folio 215, and for the purpose of the development of the aforementioned land, Macerich has relocated, in part, the public utility lines that have been installed in the initial easement area, as more particularly described in its Agreement And Deed For Relocated Utility Easement, dated September 12, 2007 and recorded among the aforesaid Land Records in Liber M.S.B. No. _____, Folio _____; and

WHEREAS, the City of Salisbury desires to relocate, in part, that public utility easement to include the area to which the lines have been relocated and has decided to abandon that portion of the existing public utility easement that is being relocated, which the City has determined to be unnecessary for any public purpose; and

WHEREAS, for those purposes Macerich has prepared, and the City has approved the Amended Easement Plat dated March 29, 2005 and last revised April 17, 2007 by Parker & Associates, Inc., recorded among the aforesaid Land Records in Cabinet M.S.B. No. 15, Folio 436; and

WHEREAS, Macerich has conveyed to the City an easement in the area to which the lines have been relocated as shown on the aforementioned Amended Easement Plat; 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; and

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

1. That the aforementioned easement of the City in the area from which the City's underground lines have been relocated, as shown on the aforementioned Amended Easement Plat, is hereby abandoned and vacated as to that area only, which is shown thereon by cross-hatching and designated as "Utility Easement To Be Abandoned Per This Plat".

2. For the purposes and reasons hereinabove set forth the City of Salisbury be, and hereby is, authorized to convey to Macerich, all of the City's right, title, and interest in the aforementioned area as shown on the Amended Easement Plat; together with all improvements thereon, including but not limited to the underground lines, if any.

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

4. 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 _____, 2007, 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 _____, 2007.

ATTEST:

Brenda J. Colegrove
CITY CLERK

Louise Smith
PRESIDENT, CITY COUNCIL

Approved by me, this _____ day of _____, 200__.

Barrie P. Tilghman
MAYOR, CITY OF SALISBURY