

**CITY OF SALISBURY
ORDINANCE NO. 2043**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALISBURY FOR ABANDONMENT OF STORMWATER EASEMENTS THAT HAVE BEEN RELOCATED AND FOR WHICH THE CITY HAS BEEN GRANTED A REPLACEMENT EASEMENT ON PROPERTY KNOWN AS THE RIVER PLACE CONDOMINIUM IN THE CAMDEN ELECTION DISTRICT, CITY OF SALISBURY, WICOMICO COUNTY, STATE OF MARYLAND, AND FOR THE RELEASE TO THE OWNER OF THAT PROPERTY OF ALL RIGHT, TITLE AND INTEREST OF THE CITY OF SALISBURY IN AND TO THE ABANDONED STORMWATER EASEMENT AREAS.

WHEREAS, River Place, LLC, a Maryland limited liability company (hereinafter referred to as "River Place"), owns certain real property known generally as the River Place Condominium that is encumbered by underground stormwater easements established by (1) a deed of easement from Carol E. Bounds, et ux. to the City of Salisbury, dated July 30, 1959, and recorded in the Land Records of Wicomico County, Maryland, in Liber J.W.T.S. No. 481, Folio 74, et seq.; (2) a deed of easement from Henry W. Roberts, widower, to the City of Salisbury, dated July 29, 1959, and recorded as aforesaid in Liber J.W.T.S. No. 481, Folio 77, et seq.; and for the purpose of the development of the aforementioned land, River Place has relocated the stormwater easement as set forth in a deed of permanent easement and right-of-way from River Place, LLC, to City of Salisbury, to be recorded among the Land Records of Wicomico County, Maryland; and

WHEREAS, the City of Salisbury desires to relocate the stormwater easement and has decided to abandon that portion of the existing public utility stormwater easement that is being relocated, which the City has determined to be unnecessary for any public purpose; and

WHEREAS, River Place has prepared and the City has approved an easement plat

showing the relocated easement area, attached hereto as Exhibit 1; and

WHEREAS, River Place is conveying to the City the stormwater area shown on Exhibit 1, and the City is releasing to River Place the abandoned easement area shown on Exhibit 2 attached hereto; and

WHEREAS, the Salisbury Charter SC 11-2 gives the City charge of all public ways in the City of Salisbury; and

WHEREAS, SC 16-8 allows City to abandon or otherwise dispose of property that is not saleable.

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

1. That the deed of permanent easement and right-of-way from River Place, LLC, to the City allows for the relocation of the stormwater easement as shown on the aforementioned Exhibit 1.
2. For the purposes and reasons hereinabove set forth, the City of Salisbury be, and hereby is, authorized to convey to River Place, all of the City's right, title, and interest in the abandoned easement area (Exhibit 2); together with all improvements therein, including, but not limited to, stormwater pipes.
3. The City Solicitor be and hereby is directed to prepare and submit for execution by the City of Salisbury an appropriate document to abandon and release the unneeded stormwater easement area.
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.

Brenda J. Colegrove
City Clerk

Louise Smith,
President of the City Council
of the City of Salisbury

Approved by me this
day of _____, 2007.

Barrie P. Tilghman
Mayor of the City of Salisbury