

**CITY OF SALISBURY**  
ORDINANCE NO. 2061

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, AUTHORIZING THE MAYOR OF SALISBURY TO SIGN A DEED OF RELEASE OF EASEMENT FOR AN UNUSED UNDERGROUND UTILITY EASEMENT IN A CLOSED STREET - PLANT STREET.

WHEREAS, by Ordinance No. 1340 the Council of the City of Salisbury closed and vacated a public street known as Plant Street on February 27, 1984; and

WHEREAS, the City's interest in said closed street was conveyed to Salisbury University Real Estate Foundation, Inc. and Pennsylvania Lines, LLC, by deed dated July 5, 2007, and recorded among the Land Records of Wicomico County, Maryland, in Liber M.S.B. No. 2816, Folio 561.

WHEREAS, the City of Salisbury retained a permanent and perpetual general underground utility easement underneath Plant Street by deed of easement dated February 17, 1984, and recorded among the Land Records of Wicomico County, Maryland, in Liber A.J.S. No. 1007, Folio 354; and

WHEREAS, Salisbury University intends to build a parking garage on the South side of Bateman Street, and a portion of that garage will be located on the closed portion of Plant Street; and

WHEREAS, the Public Works Department has determined that the City has located no water mains or sanitary sewers within that utility easement area and the City has no plans to locate utilities in that utility easement area, and Public Works recommends abandonment of the easement; and

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

WHEREAS, SC16-8 allows the City to abandon or otherwise dispose of property that is not saleable; and

WHEREAS, the Mayor and Council of Salisbury consider the release of the above described deed of easement to be in the best interest of the City.

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

1. That the deed of easement dated February 17, 1984, from Bateman Street Properties to the City of Salisbury (recorded in Liber A.J.S. No. 1007, Folio 354), for a permanent and perpetual general underground utility easement be released and conveyed to the fee simple property owners of Plant Street.

2. That the Mayor is authorized to sign a deed of release of easement in the form attached to this Ordinance as Exhibit "A"

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 \_\_\_\_\_, 2008, 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 \_\_\_\_\_ 2008.

ATTEST:

\_\_\_\_\_  
Brenda J. Colegrove  
City Clerk

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

Approved by me this \_\_\_\_\_

day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Barrie P. Tilghman  
Mayor of the City of Salisbury