

RESOLUTION NO. 1776

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND
GRANTING PRELIMINARY APPROVAL FOR AN EASEMENT FOR A NEW LOCATION OF
THE DP&L LIFT STATION

WHEREAS, it is necessary for the City to relocate and expand the existing DP&L lift station, which is currently located at the corner of Naylor Mill Rd. and North Salisbury Boulevard; and

WHEREAS, the City has looked at a number of possible locations for this lift station but has been unable to reach agreement on any site until recently; and

WHEREAS, the City has been able to reach verbal agreement with the owner of the property on which the Hampton Inn is located on a site for this lift station; and

WHEREAS, this site will save the City approximately \$488,626 in the cost of this lift station; and

WHEREAS, the owner of the property is willing to grant the City an easement for this site and is requesting that the City, in return, install odor control facilities, build a structure to house the station and replace approximately 17 parking spaces that would be lost in this transaction; and

WHEREAS, the City has received approval for a \$1,211,800 no-interest loan through the State of Maryland for this project under the Federal American Recovery and Reinvestment Act of 2009 (economic stimulus) provided that the final approvable plans are submitted to the Maryland Department of the Environment by July 30, 2009 and that construction bids for the project must be opened by September 30, 2009; and

WHEREAS, this schedule does not allow time for the development and approval of a written easement agreement before the design engineer can be given permission to redesign the plans for this lift station; and

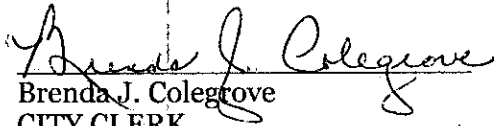
WHEREAS, the City can give preliminary approval to the easement agreement pending review and approval of the easement documents, which would permit the design engineer to proceed with the necessary redesign of this project for this new location; and

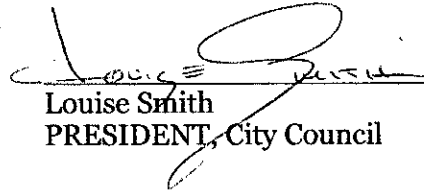
WHEREAS, if the written easement agreement is not acceptable, the City can stop work on the design and attempt to either work out a new agreement or identify a new site.

NOW, THEREFORE, BE IT RESOLVED that the Salisbury City Council hereby grants preliminary approval for an easement for a new location of the DP&L lift station pending review and approval of the easement documents.

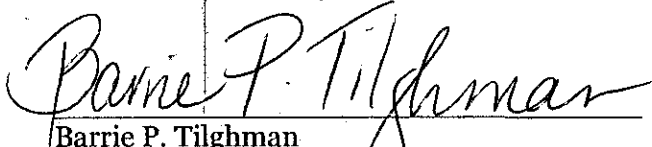
THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on the 13th day of April, 2009 and is to become effective immediately upon adoption.

ATTEST:


Brenda J. Colegrove
CITY CLERK


Louise Smith
PRESIDENT, City Council

APPROVED by me this
14th day of April, 2009.


Barrie P. Tilghman
MAYOR, City of Salisbury

INTER

OFFICE

MEMO

Office of the Mayor

To: City Council
From: John R. Pick
Subject: Preliminary Approval of Easement for New Location of DP&L Lift Station
Date: April 13, 2009

We are requesting that the City Council add to your agenda for the April 13, 2009 Council Meeting the attached Resolution granting preliminary approval of an easement for a new location for the DP&L lift station pending approval of the written easement agreement.

Attached is a copy of a memo from Dallas Baker detailing an agreement that has been worked out with the owner of the Hampton Inn property for the granting of an easement on which the City can relocate the DP&L lift station. As indicated in Dallas's memo, this location is superior to other locations that were considered by the City and will save the City \$488,626 in the cost of the lift station. In return, the City will provide odor control facilities at the lift station and a building to house the station (both of which were planned anyway) and the relocation of approximately 17 parking spaces. This agreement has recently been reached and we have not yet had an opportunity to draft the written agreement. Despite this fact, the Public Works Department is requesting that the City Council give approval to this easement agreement so that they can proceed to revise the design contract for this lift station with George Miles and Buhr (GMB).

As indicated in Mr. Baker's memo, time is of the essence with this matter so that we can take advantage of a loan through the American Recovery and Reinvestment Act of 2009 (economic stimulus). Later on your agenda, under the award of bids, is a request for a change order on this design contract that would authorize GMB to revise the plans for this new site.

We are requesting that Council approve the attached Resolution granting preliminary approval for this easement pending review and approval of the actual easement documents. Once these documents are received they will be forwarded to the Council for your review and approval. If the easement agreement is not acceptable at that point, we can stop work on the design and attempt to either work out a new agreement or identify a new site.

If you have any questions, please let me know.

cc: Mayor Tilghman
Brenda Colegrove
Jim Caldwell

Dallas Baker
Paul Wilber



SALISBURY PUBLIC WORKS

MEMORANDUM

April 9, 2009

TO: James S. Caldwell-Director of Public Works

JS Caldwell

FROM: Dallas Baker-Project Engineer

Dallas Baker

SUBJECT: Delmarva Power Lift Station

PROJECT NO.: RFP 17-08

The normal protocol for City infrastructure projects is to finalize all legal agreements prior to committing to a design. The procedure being followed for the Delmarva Power lift station differs from the normal protocol due to the extremely time sensitive nature of the project's funding. The project was awarded a \$1,211,800.00 loan via the Federal American Recovery and Reinvestment Act of 2009 (ARRA). The funds are being administered by the Maryland Department of the Environment (MDE) with the stipulation that final approvable plans and specifications must be submitted to MDE by July 30, 2009 and construction bids for the project must be opened for the project by September 30, 2009 or the project will not be eligible to receive the stimulus money and construction will have to be funded by the City. SPW has discussed the situation with the consultant awarded the project, George, Miles & Buhr (GMB) and they believe the milestones can be met if the design begins this month. SPW's plan is to finalize the legal agreements and the design simultaneously. However, if the City waits to finalize the easement plats, deeds and Public Works Agreement, a minimum two month process, prior to authorizing the change order and redesign then the milestones will probably not be met, the City may lose the ARRA funding.

At this stage SPW has received a verbal commitment from Hampton Inn agent Mark Ackerman that they will grant an easement to the City for the lift station. In exchange the City will provide odor control & a building to house the above ground equipment (both of which were already needed) and relocate existing parking spaces taken up by the lift station to another location on the Hampton Inn site. Mark and his partner Stan Markoffsky are also developing the Addison Court project on the north end of Salisbury, next to Target. Addison Court is depending on the DPL lift station for sewer service. Their project cannot move forward until DPL is under construction so the City does have some leverage to obtain the easement.

In addition it has been estimated that relocating the lift station from Delmarva Power to Hampton Inn will reduce the construction cost from \$1,844,070.00 to \$1,355,444.00 saving the City approximately \$488,626.00.