

RESOLUTION NO. 1956

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND APPROVING A DEED FOR THE GOVERNMENT OFFICE BUILDING GRANTING THE CITY HALF OWNERSHIP OF THE BUILDING

WHEREAS, in 1982, the City and the County entered into a written agreement which provided that the City would pay its proportionate share of the annual debt service payments attributable to the Government Office Building; and

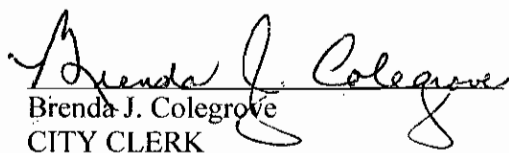
WHEREAS, this agreement also provided that the City would become half owner of the Government Office Building once the debt on the building was retired; and

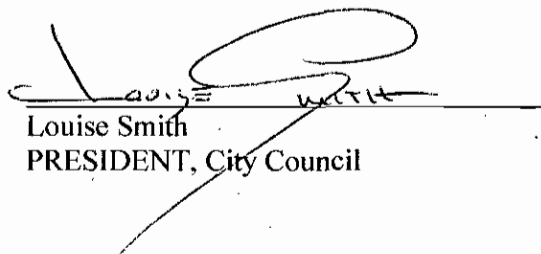
WHEREAS, the debt on the Government Office Building was retired in 1996;

NOW, THEREFORE, BE IT RESOLVED that the Salisbury City Council hereby approves the attached deed for the Government Office Building that provides that the City and the County will share and share alike in the ownership of the Building and the property on which it is located.

THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the Council of the City of Salisbury, Maryland held on the 23rd day of August, 2010 and is to become effective immediately upon adoption.

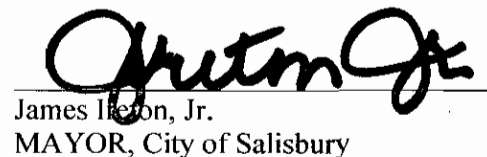
ATTEST:


Brenda J. Colegrove
CITY CLERK


Louise Smith
PRESIDENT, City Council

APPROVED by me this 24th day of

August, 2010


James Heaton, Jr.
MAYOR, City of Salisbury

30303-176.D :

THIS DEED, made this _____ day of _____,
in the year Two Thousand Seven, by WICOMICO COUNTY,
MARYLAND, a body politic and corporate of the State of
Maryland.

W I T N E S S E T H

THAT FOR AND IN CONSIDERATION of the sum of One Dollar
(\$1.00) and other good, valuable and sufficient
considerations, receipt of which is hereby acknowledged,
the said Wicomico County, Maryland, does hereby grant and
convey unto WICOMICO COUNTY, MARYLAND, a body politic and
corporate of the State of Maryland, its successors and
assigns, and the CITY OF SALISBURY, a municipal corporation
of the State of Maryland, its successors and assigns, as
tenants in common, share and share alike, their respective
successors and assigns, the following described property:
ALL that parcel of land located in the Salisbury Election
District of Wicomico County, Maryland, on the Southeasterly
side of and binding upon East Church Street and the
Easterly side of and binding upon North Division Street,
beginning for the same at a point at the Northeasterly
corner of said property, said point being on the
Southeasterly side of East Church Street; thence (1) South
05 degrees 59 minutes 25 seconds East for a distance of

30303-176.D

236.00 feet to a point; thence (2) South 83 degrees 40 minutes 35 seconds West for a distance of 160.97 feet; thence (3) North 11 degrees 36 minutes 44 seconds East for a distance of 203.25 feet by and with the Easterly line of North Division Street to a point; thence (4) by and with a curve at the intersection of North Division Street and East Church Street having a radius of 25 feet and a length of 23.77 feet to a point on the Southerly line of East Church Street; thence (5) North 66 degrees 04 minutes 45 seconds East for a distance of 87.62 feet to the point of beginning; and being shown and designated as Parcel 821, containing 27,806 square feet; and being shown and designated on a plat entitled "Resubdivision of Parcels 821 & 822 for Wicomico County, Maryland," dated April 10, 2007, and recorded among the Plat Records of Wicomico County, Maryland, in Plat Cabinet M.S.B. No. ____, Folio ____; AND BEING part of the same land conveyed unto Wicomico County, by the following deeds:

(1) by Handy Fooks, et al. to Wicomico County, Maryland, dated May 4, 1874, and recorded among the Land Records of Wicomico County, Maryland, in Liber S.P.T. No. 1, Folio 103;

30303-176.D

(2) by Vernon H. Powell and Emma A. Powell to Wicomico County, Maryland, dated June 25, 1973, and recorded among the aforesaid Land Records in Liber J.W.T.S. No. 794, Folio 336;

(3) by Paul H. Scott and Mamie V. Scott to Wicomico County, Maryland, dated June 21, 1973, and recorded among the aforesaid Land Records in Liber J.W.T.S. No. 794, Folio 338;

(4) by Amy Elizabeth Waller, Personal Representative of the Estate of Reuben J. Waller and J. Edward Waller to Wicomico County, Maryland, and recorded among the aforesaid Land Records in Liber J.W.T.S. No. 794, Folio 340;

(5) by Richard H. Hodgson, et al. to Wicomico County, Maryland, and recorded among the aforesaid Land Records in Liber J.W.T.S. No. 795, Folio 575;

(6) by Catherine A. Hodgson to Wicomico County, Maryland, and recorded among the aforesaid Land Records in Liber J.W.T.S. No. 795, Folio 578;

(7) by the City of Salisbury to Wicomico County, Maryland, dated September 18, 1973, and recorded among the aforesaid Land Records in Liber J.W.T.S. No. 804, Folio 40;
and

30303-176.D

(8) by inquisition filed in the Circuit Court for Wicomico County, Maryland, in Case No. 10,586, Wicomico County, Maryland v. City of Salisbury, and recorded among the aforesaid Land Records in Liber No. 973, Folio 277.

SUBJECT, NEVERTHELESS, to a permanent and perpetual easement retained by Wicomico County, Maryland, Grantor, for access and construction of an addition to the Government Office Building within the "Hatched Area" adjacent to a portion of the Northeast side of the Government Office Building as more fully shown and designated on the plat entitled "Resubdivision of Parcels 821 & 822 for Wicomico County, Maryland," referred to above.

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 rights, ways, privileges and appurtenances to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto the said WICOMICO COUNTY, MARYLAND, a body politic and

30303-176.D

corporate of the State of Maryland, its successors and assigns, and the CITY OF SALISBURY, a municipal corporation of the State of Maryland, its successors and assigns, as tenants in common, share and share alike, their respective successors and assigns, forever in fee simple.

AND the said Wicomico County, Maryland, a body politic and corporate as aforesaid, does hereby covenant that it will warrant specially the property hereby granted and conveyed, and that it will execute such other and further assurances of the same as may be requisite.

AS WITNESS the corporate seal of the said Wicomico County, Maryland, and the signatures of its proper officers, the day and year first above written.

ATTEST:

WICOMICO COUNTY, MARYLAND

By _____ (SEAL)

Richard M. Pollitt, Jr.,
Wicomico County

Executive

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this ____ day of _____, 2008, before me, the subscriber, a Notary Public for the state and county aforesaid, personally appeared Richard M. Pollitt, Jr., Wicomico County Executive, and that he, as such County Executive, being authorized so to do, executed the foregoing deed for the purposes therein contained .

30303-176.D

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

I HEREBY CERTIFY that I am an attorney admitted to practice before the Court of Appeals of Maryland, and that the foregoing instrument was prepared under my supervision.

Paul D. Wilber, Esquire



MD. STATE COORDINATE SYSTEM
1927 NAD

U.S. RTE. 50

EAST CHURCH STREET

N 197,168.4554
E 1,201,246.6826

N 197,186.2763
E 1,201,261.0344

N 197,221.8040
E 1,201,341.1283

$\Delta = 54^{\circ}28'01''$
R = 25.00'
L = 23.77'
T = 12.87'

N66°04'45"E 254.55'
166.93'

N66°02'43"E 18.26'

N66°02'43"E 6.34'

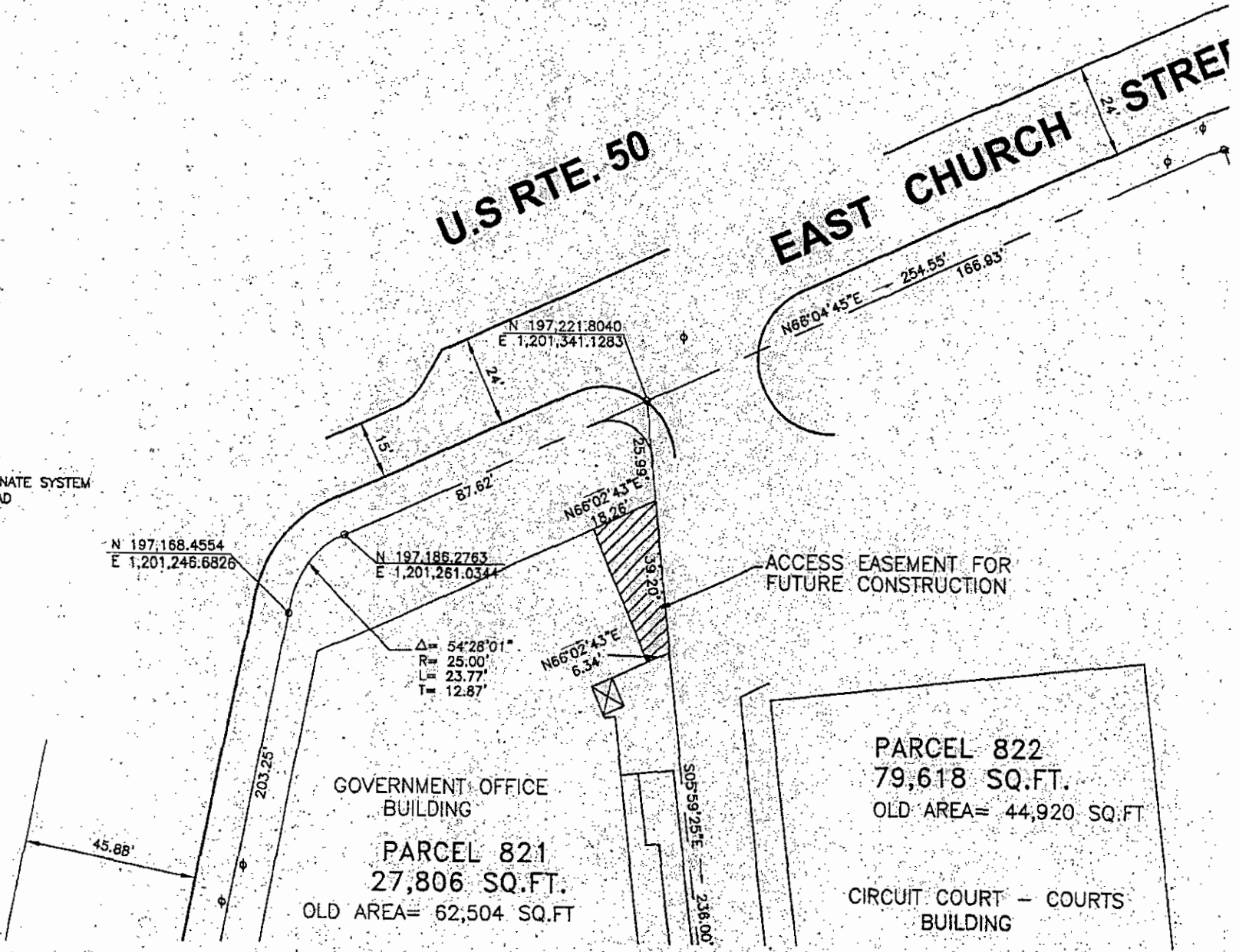
ACCESS EASEMENT FOR
FUTURE CONSTRUCTION

GOVERNMENT OFFICE
BUILDING

PARCEL 821
27,806 SQ.FT.
OLD AREA = 62,504 SQ.FT

PARCEL 822
79,618 SQ.FT.
OLD AREA = 44,920 SQ.FT

CIRCUIT COURT - COURTS
BUILDING




INTER

OFFICE

MEMO

Office of the Mayor

To: City Council
From: John R. Pick 
Subject: Government Office Building Deed
Date: August 17, 2010

We are requesting that Council adopt the attached resolution approving the attached deed for the Government Office Building (GOB). This deed grants half ownership to the City of the GOB and completes the arrangement that was made between the City and the County when the building was being planned. At your work session on August 2, 2010, Council by consensus approved moving forward with this deed. The Management Agreement for this building, which has been under development for a number of years, is still being reviewed by the County Council.

By way of background, in 1982, the City and County entered into a written agreement, a copy of which is attached, that provided that the Government Office Building would originally be titled to the County and that the County would finance its construction. The City agreed to pay a proportionate share of the annual debt service payments on the building. Once the debt was paid off, the City was to become part owner of the building. The debt was finally paid off in 1996.

Attached are copies of the deed as well as a plat of the property.

cc: Mayor Ireton
Lore' Chambers
Pam Oland
Paul Wilber
Brenda Colegrove

THIS AGREEMENT, Made this 30TH day of April, 1982, between Wicomico County, Maryland, a municipal corporation, of the State of Maryland, (hereinafter called the Landlord), and The City of Salisbury, a municipal corporation of the State of Maryland, (hereinafter called the Tenant),

WHEREAS, the Landlord and Tenant, have previously entered into an oral lease and option for the hereinafter described premises, and

WHEREAS, The Landlord and Tenant now deem it desirable to reduce their oral agreement to writing.

NOW, THEREFORE, THIS AGREEMENT OF LEASE AND OPTION, WITNESSETH:

That the Landlord does hereby lease unto the Tenant all the following described property: That portion of the joint government building located on the Easterly side of and binding upon North Division Street, and the Southerly side of and binding upon U.S. 50, currently occupied by the Tenant, and containing a gross area of 22,032 square feet, as more particularly indicated in the four-page Exhibit, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the same unto the said Tenant for and during the term of twenty (20) years, beginning on the first day of March, 1976, and ending on the last day of February, 1996, AT AND FOR THE ANNUAL RENTAL THEREFOR, DURING THE TERM AFORESAID, OF \$100,610.00 per year, together with an additional annual payment equal to 46.57 per cent of the annual operating cost, all as more particularly indicated in the four-page Exhibit attached hereto and made a part hereof.

AND at the end of said twenty-year period, the Lease shall terminate, and Landlord does hereby agree to sell unto the Tenant, an undivided one-half (1/2) interest in and to said premises, improvements, equipment, and real property, known as the Joint Government Building, at and for the consideration of One Dollar (\$1.00), evidenced by a Wicomico County form deed of good and mercantable fee simple title, free of liens and encumbrances, except as specified herein; but subject however to all applicable restrictions, easements, laws, ordinances, regulations,

charges, taxes and assessments, if any, which said Deed shall be prepared at the expense of the tenant.

Nothing in this Agreement is intended to change the percentage of usage, and such usage, even after the aforesaid conveyance, will continue the same; i.e. 46.57% to be used by the City and 53.43% to be used by the County.; however, the City shall, thereafter, pay 50% of the annual operating cost of the premises.

AS WITNESS the due execution hereof, the day and year first before written.

ATTEST:

Matthew [Signature]

Wicomico County, Maryland

By Victor H. Laws (SEAL)

[Signature]

The City of Salisbury

By W. Paul Martin (SEAL)

STATE OF MARYLAND, WICOMICO COUNTY, to-wit:

I HEREBY CERTIFY, that on this 27th day of May, 1982, before me, the subscriber, a Notary Public of the State of Maryland, in and for Wicomico County aforesaid, personally appeared _____

W. Paul Martin, Mayor, of The City of Salisbury, and acknowledged the foregoing Agreement to be the Corporate Act of The City of Salisbury.

AS WITNESS my hand and Notarial Seal.

Kay D. Chew
Notary Public

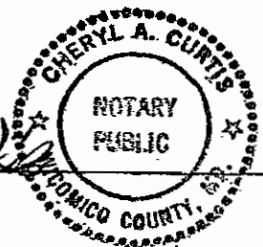
STATE OF MARYLAND, WICOMICO COUNTY, to-wit:

I HEREBY CERTIFY, that on this 19th day of May, 1982 before me, the subscriber, a Notary Public of the State of Maryland, in and for Wicomico County, aforesaid, personally appeared Victor H. Laws,

President, of Wicomico County Maryland, and acknowledged the foregoing Agreement to be the Corporate act of Wicomico County, Maryland.

AS WITNESS my hand and Notarial Seal.

Cheryl A. Curtis
Notary Public



GOVERNMENT OFFICE BUILDING

Construction Documents Phase - Area Analysis

February 16, 1976

Gross Area

Full Basement	12,152
First Floor	11,864
Second Floor	11,649
Third Floor	11,649
	<u>47,314</u>

Net Assigned Area - 32,777 (69%)
Building Core Area - 14,537 (31%)

Detailed BreakdownCounty Departments

Administrative Director	2,641
*Finance	3,102
Assessments & Taxation	2,416
Public Works	1,750
	<u>9,909</u>

City Departments

Executive	1,050
**Finance	1,690
Purchasing	875
Public Works	3,079
Bureau of Inspections	1,225
	<u>7,919</u>

County/City Combined Use

Planning & Zoning	2,100
Council Chambers	1,325
Conference Rooms	563
Central Reproduction	400
Meeting Room 128	700
Kitchen & Private Toilets	69
	<u>5,157</u>

Common Use

Public Lobby	2,315
Lounge	650
***Custodian/Maintenance	464
Telephone Room	177
Record Storage	1,005
Central Storage	352
Unassigned Surplus Space	4,829
	<u>9,792</u>

*Includes total area of Accts. Machine Room & Storage & one-half of vault area

**Includes one-half of vault area

***Includes Custodian Storage B03, Toilet B08 & Locker Room B11.

SUMMARY OF LEASE COSTS TO CITY
 AS OF MAR 21, 1976

	SITUATION I CITY DOES NOT PARTICIPATE		SITUATION II CITY DOES PARTICIPATE	
	15 YEAR LEASE	20 YEAR LEASE	15 YEAR LEASE	20 YEAR LEASE
CITY'S SHARE OF COST OF FUNDING PRINCIPAL AND INTEREST	1529250 -	1529200 -	1717700 -	1717700 -
ADDING COST - SIMPLE	51911 -	262205 -	58313 -	294501 -
TOTAL COST TO CITY	1581161 -	1791405 -	1776013 -	2012201 -
ANNUAL LEASE COST	105411 -	89570 -	113401 -	10061 -
TOTAL AREA ASSIGNED TO CITY	19617		22032	
PER SQUARE FOOT COST				
OVER TERM OF LEASE	\$ 8060	\$ 9132	\$ 8061	\$ 91
PER YEAR	\$ 537	\$ 457	\$ 537	\$ 457

(20 Year Lease)

(10061)

1

JOINT GOVERNMENT BUILDING

SITUATION II

ASSUMPTION	CITY PARTICIPATES 50%	COUNTY LA	COUNTY LA	ASSIGNED TO		TOTAL
				CITY	COUNTY	
EXCLUSIVE AREAS				7919 #	9909 #	17828
JOINT USE AREAS - 50% EACH				2578	2579	5157
				10497	12488	22985
				(48.47%)	(54.33%)	(100%)
CORE AREAS - ALLOCATED ABOVE				6637	7295	13932
COMMON USE AREAS - DIVIDED EVENLY				4396	4396	8792
				22032	25252	47284
ASSIGNED %				46.57%	53.43%	100%

find response for
 for
 &
 find

20 year lease term

$$100,610 @ 20 = 2,012,200.00$$

Payments made by City

Lease began 3/1/76

FY 76 (4 mo) Mar-Apr-May-June 33,536.67

77 100,610.00

78 100,610.00

79 100,610.00

80 100,610.00

81 100,610.00

Balance @ 6-30-81

1,475,613.33

2 payments FY 82 (6 mo)

$$25,152.50 @ 2 =$$

50,305.00

Owed @ 2/19/82

1,425,308.33

Suggest
see
Terms

Considerations

- 1) City will participate in large storage area 50% (BASEMENT)
- 2) Annual operating cost for balance of term of lease to be 46.57% based on sq footage per C. Habicht's Report 26/Nov/76
- 3) At end of lease, the 2 govts will own 1/2 of Bldg each and will share equally in operating expenses