

## ORDINANCE NO. 2373

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO ABANDON AN AREA OF LAND BEING THE UNIMPROVED ROADBED OF BIRCH STREET BETWEEN CYPRESS STREET AND LAKE STREET.

WHEREAS, Birch Street, formerly known as South Street, as shown on the plat entitled "Plat of Survey of Land of The FAD Company", dated April-May 1922 and recorded among the Land Records of Wicomico County, Maryland, in Plat Cabinet 136, Folio 1 was never opened or paved by the City of Salisbury; and

WHEREAS, the portions of Birch Street being abandoned are more particularly described as Parcel 'A' (6,103.6 +/- s.f.), Parcel 'B' (3,662.3 +/- s.f.), Parcel 'C' (3,875.0 +/- s.f.) and Parcel 'D' (3,874.2 +/- s.f.) being a total of 17,515.1 square feet, plus or minus, on Exhibit "A," attached hereto; and

WHEREAS, the owner of the land adjoining Parcel 'A' of Birch Street is Delmarva Real Estate Holdings, Inc.; of Parcel 'B' is the City of Salisbury; of Parcel 'C' is Rodney V. & Brenda D. Dawson; of Parcel 'D' is the City of Salisbury; and

WHEREAS, the City of Salisbury Department of Public Works has determined that the aforementioned areas of land have never been used by the public, are unimproved and unpaved, and the City believes it is in the best interest of the City to abandon the aforementioned areas of land and deed Parcel 'A' and Parcel 'C' to the adjoining property owners as stated above; and

WHEREAS, the Salisbury Charter SC11-2 gives the City of Salisbury charge of all public ways in the City of Salisbury; and

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

WHEREAS, the City of Salisbury Department of Public Works has prepared and the City Solicitor has reviewed the proposed quitclaim deeds to release the unimproved street, copies of which are attached hereto as Exhibit "B"; and

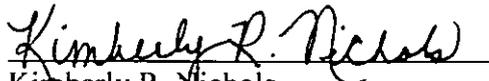
WHEREAS, the Director of Public Works provided the City Council a recommendation of the proposed road abandonment at the January 19, 2016 City Council Work Session.

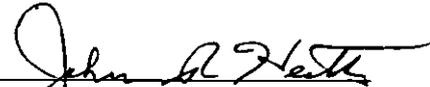
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that the City of Salisbury hereby abandons the 17,515.1 square foot area of Birch Street, and that the Mayor of the City of Salisbury is hereby authorized to execute the attached deeds contained in Exhibit "B" to convey to the adjoining owners the City's right, title and interest in the abandoned street.

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately.

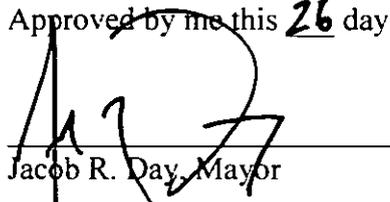
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 8 day of February 2016, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 22 day of February, 2016.

ATTEST

  
Kimberly R. Nichols  
CITY CLERK

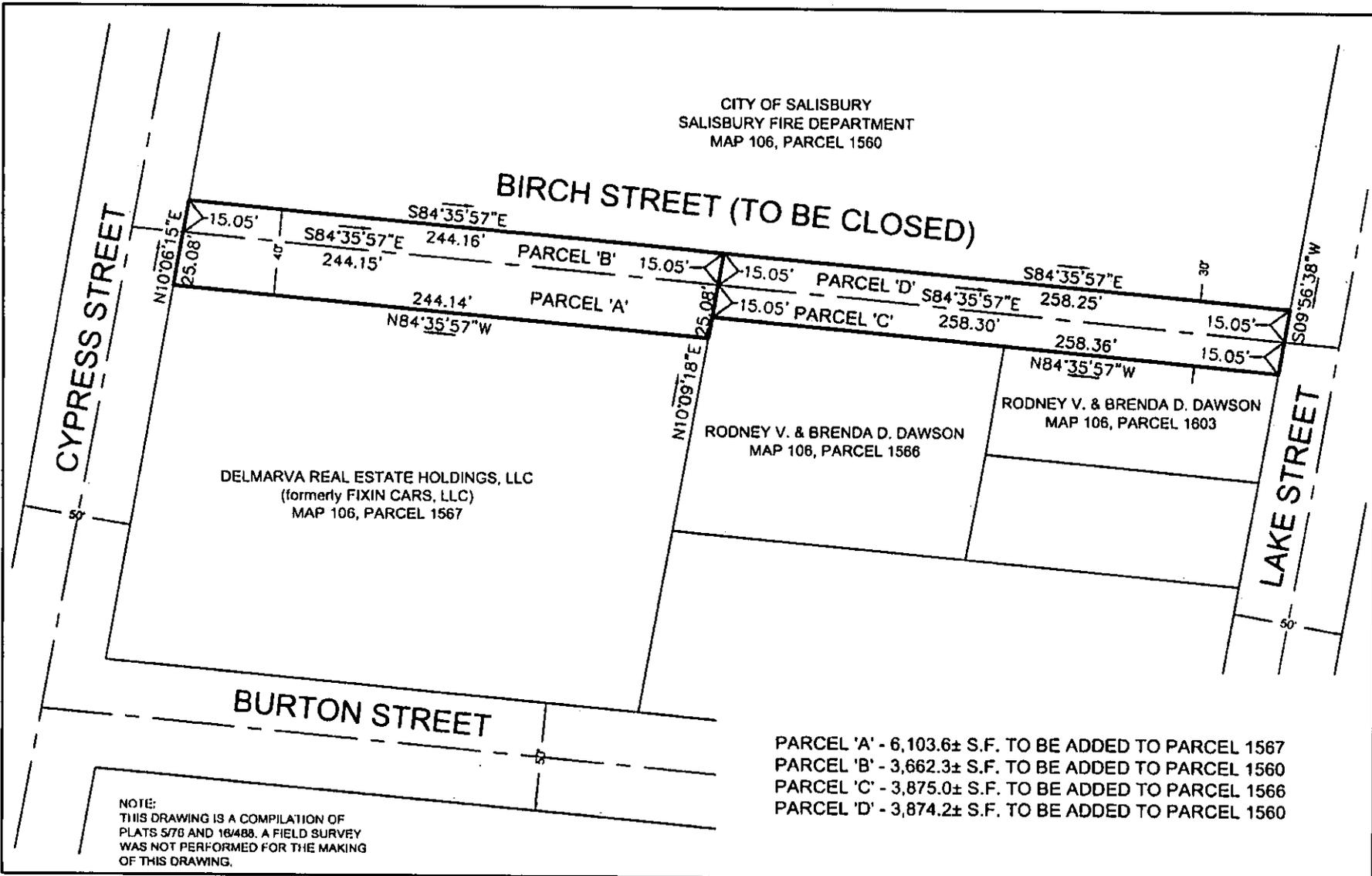
  
John R. Heath  
PRESIDENT, City Council

Approved by me this 26 day of FEBRUARY, 2016

  
Jacob R. Day, Mayor

CITY OF SALISBURY  
 SALISBURY FIRE DEPARTMENT  
 MAP 106, PARCEL 1560

**BIRCH STREET (TO BE CLOSED)**



NOTE:  
 THIS DRAWING IS A COMPILATION OF  
 PLATS 578 AND 18488. A FIELD SURVEY  
 WAS NOT PERFORMED FOR THE MAKING  
 OF THIS DRAWING.

PARCEL 'A' - 6,103.6± S.F. TO BE ADDED TO PARCEL 1567  
 PARCEL 'B' - 3,662.3± S.F. TO BE ADDED TO PARCEL 1560  
 PARCEL 'C' - 3,875.0± S.F. TO BE ADDED TO PARCEL 1566  
 PARCEL 'D' - 3,874.2± S.F. TO BE ADDED TO PARCEL 1560

DWG. NO.	DCA00000
DATE	10/06/2015
SCALE	1" = 50'
REVISED	
SHEET	1 OF 1

ROAD CLOSURE PARCELS  
 BIRCH STREET

CITY OF SALISBURY  
 SALISBURY PUBLIC WORKS



**EXHIBITS B**

THIS QUITCLAIM DEED, made this 29<sup>th</sup> day of February, in the year Two Thousand and Sixteen, by the CITY OF SALISBURY, a municipal corporation of the State of Maryland, Grantor, and Delmarva Real Estate Holdings, LLC, a Maryland limited liability company, Grantee.

WHEREAS, by Ordinance No. 2373 passed at a meeting of the Council of the City of Salisbury, on the 22 day of February, 2016, the City of Salisbury closed and vacated a portion of a public street known as Birch Street, being shown as a bold outlined area on a plat entitled Road Closure Parcels Birch Street dated October 6, 2015, attached hereto as **Exhibit A**; and

WHEREAS, the City of Salisbury was, by Ordinance No. 2373, authorized to convey to Delmarva Real Estate Holdings, LLC, a Maryland limited liability company, all of its right, title and interest, in and to that portion of Birch Street, as shown and labeled as Parcel A, on the plat.

NOW, THEREFORE, THIS QUITCLAIM DEED WITNESSETH, that for and in consideration of the sum of Zero Dollars (\$0.00) and other good, valuable and sufficient considerations, receipt of which is hereby acknowledged, the said CITY OF SALISBURY does hereby grant, convey, release, assign and quitclaim unto Delmarva Real Estate Holdings, LLC, a Maryland limited liability company, its successors and assigns, the following described property, which shall be added to existing tax identification number 09-054103, Parcel 1567, that is currently owned by the Grantee:

ALL that lot or parcel of land situate, lying and being in the Salisbury Election District, City of Salisbury, Wicomico County, State of Maryland, being the Southerly 25.00 foot portion of an unimproved street named Birch Street, located on the Easterly side of but not binding upon Cypress Street, North of existing tax Parcel 1567, and more particularly described as follows:

Beginning for the same at a point on the easterly right of way line of Cypress Street at the northwesterly corner of the lands of Delmarva Real Estate Holdings, LLC. (1) Thence by and with the said Cypress Street North 10 degrees 06 minutes 15 seconds East a distance of 25.08 feet to a point; (2) Thence South 84 degrees 35 minutes 57 seconds East a distance of 244.15 feet to a point at the intersection of the centerline of Birch Street with the extension of the easterly line of the said Delmarva Real Estate Holdings land; (3) Thence South 10 degrees 09 minutes 18 seconds West a distance of 25.08 feet to a point at the northeasterly corner of the Delmarva

**NO TITLE SEARCH REQUESTED OR PERFORMED**

Real Estate Holdings land; (4) Thence by and with the northerly line of the said Delmarva Real Estate Holdings land North 84 degrees 35 minutes 57 seconds West a distance of 244.14 feet to the point of beginning; Being shown on the said plat entitled "Road Closure Parcels Birch Street" as Parcel 'A' and containing 6,103.6 square feet, more or less.

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, alleys, waters, roads, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property unto Delmarva Real Estate Holdings, LLC, a Maryland limited liability company, its successors and assigns, forever in fee simple.

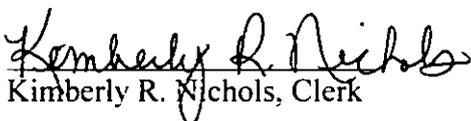
HOWEVER, the City of Salisbury reserves unto itself, its successors and assigns, a utility easement for the Northerly 15.00 foot strip of the vacated and abandoned street bed being deeded to the Grantee, shown as Parcel A, including, but not limited to the rights to install, maintain, continue, terminate or in any way deal with sewer lines, water lines, storm water lines, gas, electric, cable lines and other such utilities as the City may desire or may elect to permit to be assigned; and Grantor retains all air rights above the easement area.

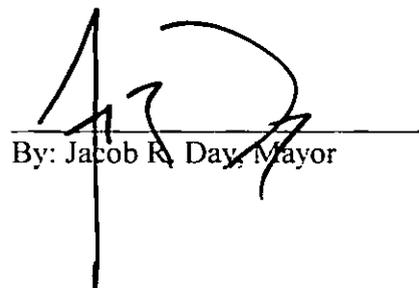
AND the said Grantor does hereby covenant that it will execute such other and further assurances of the same as may be requisite.

AS WITNESS the hand and seal of the said City of Salisbury the day and year first above written.

ATTEST

CITY OF SALISBURY

  
Kimberly R. Nichols, Clerk

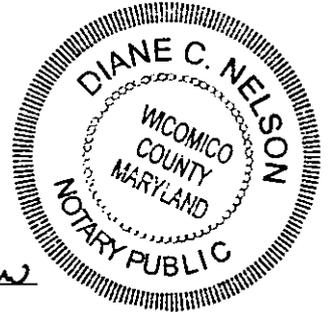
  
By: Jacob R. Day, Mayor

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this 29<sup>th</sup> day of February, 2016, before me, the subscriber, a Notary Public for the state and county aforesaid, personally appeared Jacob R. Day, Mayor of the City of Salisbury, who acknowledged the foregoing deed to be his act and deed on behalf of the City of Salisbury.

AS WITNESS my hand and Notarial Seal.

Diane C. Nelson  
Notary Public



My Commission Expires: 5-16-18

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

S. Mark Tilghman  
S. Mark Tilghman, City Solicitor

CITY OF SALISBURY  
 SALISBURY FIRE DEPARTMENT  
 MAP 106, PARCEL 1560

BIRCH STREET (TO BE CLOSED)

CYPRESS STREET

LAKE STREET

DELMARVA REAL ESTATE HOLDINGS, LLC  
 (formerly FIXIN CARS, LLC)  
 MAP 106, PARCEL 1567

RODNEY V. & BRENDA D. DAWSON  
 MAP 106, PARCEL 1568

RODNEY V. & BRENDA D. DAWSON  
 MAP 106, PARCEL 1603

BURTON STREET

NOTE:  
 THIS DRAWING IS A COMPILATION OF  
 PLATS S770 AND 16/488. A FIELD SURVEY  
 WAS NOT PERFORMED FOR THE MAKING  
 OF THIS DRAWING.

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 PARCEL 'B' - 3,662.3± S.F. TO BE ADDED TO PARCEL 1560  
 PARCEL 'C' - 3,875.0± S.F. TO BE ADDED TO PARCEL 1566  
 PARCEL 'D' - 3,874.2± S.F. TO BE ADDED TO PARCEL 1560

DWG. NO.	DCA00000
DATE:	10/09/2015
SCALE:	1" = 50'
REVISED:	
SHEET	1 OF 1

ROAD CLOSURE PARCELS  
 BIRCH STREET

CITY OF SALISBURY  
 SALISBURY PUBLIC WORKS



THIS QUITCLAIM DEED, made this 29th day of February, in the year Two Thousand and Sixteen, by the CITY OF SALISBURY, a municipal corporation of the State of Maryland, Grantor, and Rodney V. Dawson and Brenda D. Dawson, Grantees.

WHEREAS, by Ordinance No. 2373 passed at a meeting of the Council of the City of Salisbury, on the 22 day of February, 2016, the City of Salisbury closed and vacated a portion of a public street known as Birch Street, being shown as a bold outlined area on a plat entitled Road Closure Parcels Birch Street dated October 6, 2015, attached hereto as **Exhibit A**; and

WHEREAS, the City of Salisbury was, by Ordinance No. 2373, authorized to convey to Rodney V. Dawson and Brenda D. Dawson, all of its right, title and interest, in and to that portion of Birch Street, as shown and labeled as Parcel C, on the plat.

NOW, THEREFORE, THIS QUITCLAIM DEED WITNESSETH, that for and in consideration of the sum of Zero Dollars (\$0.00) and other good, valuable and sufficient considerations, receipt of which is hereby acknowledged, the said CITY OF SALISBURY does hereby grant, convey, release, assign and quitclaim unto Rodney V. Dawson and Brenda D. Dawson, husband and wife, as tenants by the entirety, their personal representatives and assigns and the personal representatives and assigns of the survivor of them, the following described property, which shall be added to existing tax identification number 09-049282, Parcel 1566, that is currently owned by the Grantees:

ALL that lot or parcel of land situate, lying and being in the Salisbury Election District, City of Salisbury, Wicomico County, State of Maryland, being the Southerly 15.00 feet of an unimproved street named Birch Street, located on the Westerly side and binding upon Lake Street, North of existing tax Parcel 1566 and tax Parcel 1603, both of which are also owned by Grantees, and more particularly described as follows:

Beginning for the same at a point on the westerly right of way line of Lake Street at the northeasterly corner of the lands of Rodney V. & Brenda D. Dawson, tax Parcel 1603; (1) Thence by and with the said Dawson land and other lands of the said Dawson, tax Parcel 1566, North 84 degrees 35 minutes 57 seconds West a distance of 258.36 feet to a point at the northwesterly corner of the said tax Parcel 1566; (2) Thence North 10 degrees 09 minutes 18 seconds East a distance of 15.05 feet to a point on the centerline of the unimproved street being closed and

**NO TITLE SEARCH REQUESTED OR PERFORMED**

known as Birch Street; (3) Thence by and with the said centerline of Birch Street South 84 degrees 35 minutes 57 seconds East a distance of 258.30 feet to a point on the westerly line of Lake Street; (4) Thence by and with the said line of Lake Street South 09 degrees 56 minutes 38 seconds West a distance of 15.05 feet to the point of beginning. Being shown on a plat entitled "Road Closure Parcels Birch Street" as Parcel 'C' and containing 3,875.0 square feet, more or less.

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, alleys, waters, roads, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

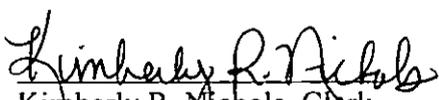
TO HAVE AND TO HOLD the above described property unto Rodney V. Dawson and Brenda D. Dawson, husband and wife, as tenants by the entirety, their personal representatives and assigns, the survivor of them, and the personal representatives and assigns of the survivor, forever in fee simple.

HOWEVER, the City of Salisbury reserves unto itself, its successors and assigns, a utility easement for the entire portion of the vacated and abandoned street bed being deeded to the Grantees, shown as Parcel C, including, but not limited to the rights to install, maintain, continue, terminate or in any way deal with sewer lines, water lines, storm water lines, gas, electric, cable lines and other such utilities as the City may desire or may elect to permit to be assigned; and Grantor retains all air rights above the easement area.

AND the said Grantor does hereby covenant that it will execute such other and further assurances of the same as may be requisite.

AS WITNESS the hand and seal of the said City of Salisbury the day and year first above written.

ATTEST

  
Kimberly R. Nichols, Clerk

CITY OF SALISBURY

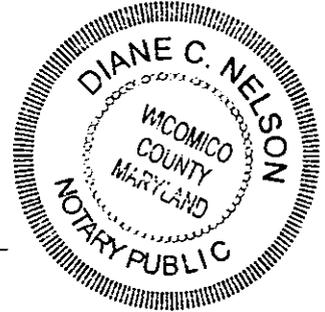
  
By: Jacob R. Day, Mayor

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this 29<sup>th</sup> day of February, 2016, before me, the subscriber, a Notary Public for the state and county aforesaid, personally appeared Jacob R. Day, Mayor of the City of Salisbury, who acknowledged the foregoing deed to be his act and deed on behalf of the City of Salisbury.

AS WITNESS my hand and Notarial Seal.

*Diane C Nelson*  
Notary Public



My Commission Expires: 5-16-18

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

*S. Mark Tilghman*  
S. Mark Tilghman, City Solicitor



# City of Salisbury



MARYLAND

Salisbury



2010

125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801  
Tel: 410-548-3170  
Fax: 410-548-3107

MICHAEL S MOULDS, P.E.  
DIRECTOR OF PUBLIC WORKS

JACOB R. DAY  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

TO: Tom Stevenson, City Administrator

FROM: Mike Moulds, Director of Public Works *MM*

DATE: December 30, 2015

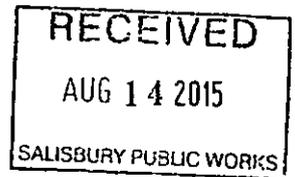
SUBJECT: Birch Street Abandonment Request

The Department of Public Works is requesting approval to abandon the unimproved City street right of way known as Birch Street between Lake Street and Cypress Street. Birch Street has never been utilized or improved. Access between Cypress and Lake Street is already available nearby on Burton Street. The abandonment will also allow for development of access to a midblock parcel, potential for improvement to a vacant business and correction of a standing water concern.

Attached is an aerial view of the site and a proposed exhibit showing the delineation of the parcels to revert to the adjacent property owners. Support for the abandonment has been provided by the adjacent property owners and City Fire Department. The City would retain an easement for an existing stormwater pipe.

When the City initiates a road abandonment, the City is responsible to prepare the property survey, utility easement plats and road abandonment ordinance. If the City Council approves the ordinance, then the adjoining owners would be deeded (quit claim deed) the property along their respective frontages to the centerline of the abandoned street. Attached is the proposed Ordinance and quick claim deeds that have been prepared by the City Surveyor and reviewed by the City Solicitor.

With the Mayor's approval we would like to place this item on a work session of City Council. Let us know if you have any questions or need any additional information.



**Rodney V. Dawson  
Brenda D. Dawson  
9281 Bel Air Drive  
Mardela Spring, MD 21837  
410.251.0970**

*August 11, 2015*

Dear Mr Michael Moulds,

In response to your letter my wife and I both agree on the abandonment of Birch St. known as a paper street with one exception. We would like the additional property to be added to Parcel No. 1566 for future development of this parcel. This additional property added to parcel 1566 will also allow us access to the property.

Sincerely,

A handwritten signature in cursive script that reads "Rodney Dawson".

Rodney Dawson

CC: Les Sherrll

## Les Sherrill

---

**From:** Robert A. Benson <rbenson@ciblaw.com>  
**Sent:** Monday, September 14, 2015 5:02 PM  
**To:** Les Sherrill  
**Subject:** Birch street

Les- I received your letter regarding the proposed closure of Birch Street and forwarded it to the Bank for review and comment. I am authorized to state The Bank and its wholly owned subsidiary, Delmarva Real Estate holdings, LLC have no objection to the closure of the street.

Bob Benson

Robert A. Benson  
Cullen, Insley & Benson, LLP  
132 East Main Street  
Salisbury, Maryland 21801  
410-749-1201 (Office)  
410-749-1325 (Fax)

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308 Lake Street