

RESOLUTION NO. 3201

A RESOLUTION of the Council of the City of Salisbury proposing the annexation to the City of Salisbury of a certain area of land contiguous to and binding upon the Corporate Limits of the City of Salisbury to be known as “South Division Street Annexation”, beginning at a point being an existing corner of the Corporate Limits Line of the City of Salisbury, MD near the westerly line of South Division Street at its intersection with the northerly right of way line of Onley Road extended. X 1,201,760.73 Y 188,850.09 (1) Thence by and with the said line of Onley Road, North eighty-nine degrees twenty-two minutes thirty-one seconds East (N 89° 22' 31" E) two hundred thirty-two decimal two, six (232.26) feet to a point on the said line of Onley Road and Corporate Limits Line. X 1,201,992.98 Y 188,852.62 (2) Thence leaving the said line and by and with the easterly line of the lands of OT 2005, LLC, North three degrees thirteen minutes one seconds East (N 03° 13' 01" E) three hundred forty- eight decimal zero,zero {348.00) feet to a point on the northerly line of the said OT 2005, LLC lands. X 1,202,012.51 Y 189,200.08 (3) Thence by and with the said line of OT 2005, LLC, North eighty-nine degrees forty-seven minutes forty-two seconds West (N 89° 47' 42" W) two hundred twenty-four decimal eight, five (224.85) feet to a point on the existing Corporate Limit Line near the westerly right of way line of South Division Street. X 1,201,787.66 Y 189,200.88 (4) Thence by and with the said line South four degrees twenty-three minutes twenty-five seconds West (S 4° 23' 25" W) three hundred fifty-one decimal eight, two (351.82) feet to the point of beginning, containing 1.831 acres, more or less.

RECITALS

WHEREAS, the City of Salisbury has received a Petition for Annexation, dated February 21, 2022, attached hereto as **Exhibit 1** and incorporated by reference as if fully set forth herein, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed binding upon the Corporate Limits of the City of Salisbury to be known as “South Division Street Annexation” beginning at a point contiguous to and binding upon the existing corporate limits line of the City of Salisbury, MD, being on the westerly right of way line of South Division Street at the southern corporate limits of the City of Salisbury, continuing around the perimeter of the affected property to the point of beginning, being all that real property identified as Map 0048, Grid 0002, Parcel 199, Map 0048, Grid 0002, Parcel 200 and Map 0048, Grid 0003, Parcel 0202 and all that certain portion of the public road right-of-way known as “South Division Street” and further being the same real property more particularly described in the legal description attached hereto as **Exhibit 2** and incorporated as if fully set forth herein and being that same public right-of-way more particularly depicted on that certain plat entitled “Annexation Plat” attached hereto as **Exhibit 3** and incorporated as if fully set forth herein (the aforesaid real property

is hereinafter referred to as the “**Annexed Property**”); and

WHEREAS, the City of Salisbury has caused to be made a certification of the signatures on the said petition for annexation and the City of Salisbury has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of September 15, 2022, as set forth in the certification by Leslie C. Sherrill, Surveyor, of the City of Salisbury, attached hereto as **Exhibit 4** and incorporated by reference as if fully set forth herein; and

WHEREAS, it appears that the aforesaid Petition for Annexation, dated May 6, 2021, meets all the requirements of applicable state and local law; and

WHEREAS, pursuant to MD Code, Local Government, § 4-406, a public hearing on this Resolution, providing for the City of Salisbury’s annexation of the Annexed Property as set forth herein, shall be and hereby is scheduled for April 10, 2023 at 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY as follows:

Section 1. It is proposed and recommended that that the municipal boundaries of the City of Salisbury be changed so as to annex to and include within the said municipal boundaries of the City of Salisbury all that certain real property more particularly described in **Exhibits 2 and 3** attached hereto and incorporated by reference as if fully set forth herein (the real property to be annexed by the City of Salisbury as contemplated by this Resolution is hereinafter referred to as the “**Annexed Property**”).

Section 2. The annexation of the Annexed Property be and hereby is approved by the Council of the City of Salisbury subject to all terms, conditions and agreements contained in the aforementioned property description, the proposed Annexation Agreement, and the Annexation Plan, attached as **Exhibits 2, 5 and 6, respectively**, each of which is attached hereto and incorporated herein as if all such terms, conditions and agreements contained in such Exhibits were specifically set forth at length in this Resolution.

Section 3. The Zoning Map of the City of Salisbury shall be amended to include the Annexed Property within that certain Zoning District of the City of Salisbury identified as “**College and University**”, which said real property newly annexed into Corporate Limits of the City of Salisbury, as contemplated by this Resolution, is presently zoned “**LB-1 Light Business & Institutional**” in accordance with the existing zoning laws of Wicomico County, Maryland.

Section 4. Pursuant to MD Code, Local Government, § 4-406, the Council of the City of Salisbury shall hold a public hearing on this Resolution on April 10, 2023 at 6:00p.m. in the Council Chambers at the City-County Office Building, and the City Administrator shall cause a public notice of time and place of the said public hearing to be published not fewer than two (2) times at not less than weekly intervals, in at least one (1) newspaper of general circulation in the City of Salisbury, which said public

notice shall specify a time and place at which the Council of the City of Salisbury will the hold the aforesaid public hearing, the date of which shall be no sooner than fifteen (15) days after the final required date of publication as specified hereinabove.

**AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY
AS FOLLOWS:**

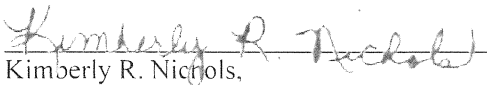
Section 5. It is the intention of the Council of the City of Salisbury that each provision this Resolution shall be deemed independent of all other provisions herein.

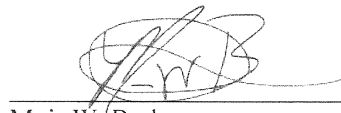
Section 6. It is further the intention of the Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable

Section 7. The Recitals set forth hereinabove are incorporated into this section of this Resolution as if such recitals were specifically set forth at length in this Section 7.

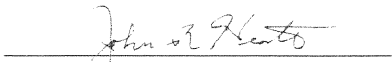
Section 8. This Resolution and the annexation of the Annexed Property as contemplated herein, shall take effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right of referendum with respect to this Resolution as set forth in MD Code, Local Government, § 4-401, et seq.

THIS RESOLUTION was introduced, read and passed at the regular meeting of the Council of the City of Salisbury held on the 27th day of February 2023, having been duly published as required by law in the meantime a public hearing was held on the 10th day of April, 2023 at 6:00 p.m., and was finally passed by the Council at its regular meeting held on the 10th day of April, 2023.


Kimberly R. Nichols,
City Clerk


Muir W. Boda,
Council President

APPROVED BY ME this 10th day of May, 2023.


John R. Heath,
Acting Mayor