

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2014 Legislative Session

Legislative Day No. 05

Resolution No. 22-2014

Introduced by: The President of the Council at the Request of the County Executive

A RESOLUTION APPROVING A SUPPLEMENTAL RIGHT OF WAY AGREEMENT BETWEEN WICOMICO COUNTY, MARYLAND AND DELMARVA POWER & LIGHT COMPANY.

WHEREAS, Wicomico County, Maryland is the owner of Parcel 2522 shown on Tax Map 109, located along Glen Avenue in Salisbury, Maryland, as evidenced by a Deed recorded in the Land Records of Wicomico County in Liber 1408, Folio 442; and

WHEREAS, the County granted a Right of Way to The Eastern Shore Public Service Company for the construction, operation and maintenance of an electric transmission and/or distribution line along the easterly line of Parcel 2522 and the southerly side of Glen Avenue, as evidenced by a Right of Way Agreement recorded in the Land Records of Wicomico County in Liber 469, Folio 7; and

WHEREAS, Delmarva Power & Light Company is a successor to the Eastern Shore Public Service Company; and

WHEREAS, Delmarva Power & Light Company desires to construct an underground infrastructure along Glen Avenue for the distribution of electricity and has requested additional rights and privileges in said Right of Way; and


WHEREAS, the County Executive recommends entering into a Supplemental Right of Way Agreement with Delmarva Power & Light Company for the construction of an underground infrastructure that will distribute electricity to the Delmarva service areas.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Wicomico County, Maryland, as follows:

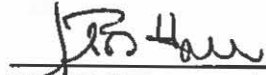
1. The County Executive of Wicomico County, Maryland is authorized to enter into a Supplemental Right of Way Agreement with Delmarva Power & Light Company for the construction, operation and maintenance of an underground infrastructure inclusive of a conduit, conductor and the necessary appurtenances.
2. The Supplemental Right of Way Agreement shall be in substantially the form attached hereto as Exhibit "A" and made a part hereof, and in such form the Supplement Right of Way Agreement is hereby approved as to form and content.

Done at Salisbury, Maryland, this 4th day of March, 2014.

ATTEST:

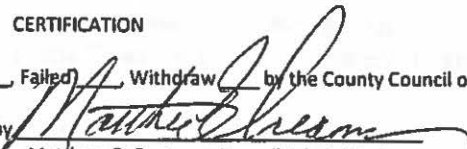

Matthew E. Creamer
Council Administrator

COUNTY COUNCIL OF
WICOMICO COUNTY, MARYLAND


~~John Hall~~ John Hall for
Council President ~~John Hall~~ Matt Holloway
Vice President

CERTIFICATION

This Resolution was Adopted , Adopted with Amendments , Failed , Withdraw by the County Council on March 4, 2014.

Certified by 
Matthew E. Creamer, Council Administrator



SUPPLEMENTAL RIGHT OF WAY AGREEMENT

This Supplemental Right of Way Agreement is made this ____ day of February, 2014, by and between Wicomico County, Maryland ("Grantor") and Delmarva Power & Light Company ("Delmarva"), a corporation of the State of Delaware and the Commonwealth of Virginia, for itself, its lessees, successors, and assigns.

Whereas, Grantor is the owner of lands located in Wicomico County, State of Maryland, as described in a deed recorded among the Land Records of Wicomico County in Liber 1408, Folio 442 ("Grantor's Land") that are the subject of a Right of Way Agreement recorded among the Land Records of Wicomico County in Liber 469, Folio 007 ("Right of Way Agreement");

Whereas, Delmarva is a successor of the Eastern Shore Public Service Company of Virginia, which was granted a thirty foot (30') wide right of way, privilege and easement ("Right of Way"), in perpetuity, to construct, operate and maintain a line for the transmission and/or distribution of electricity in addition to other rights by the above-referenced Right of Way Agreement; and

Whereas, Delmarva has requested, and Grantor agrees to allow Delmarva to construct underground infrastructure for the purposes of the distribution of electricity to Delmarva service areas;

NOW WITNESSETH THAT, for and in consideration of the sum of ONE DOLLAR, (\$1.00), the receipt of which is hereby acknowledged, Grantor agrees to grant and convey to Delmarva, its lessees, successors, and assigns the following additional rights and privileges in perpetuity in the Right of Way while continuing the Right of Way Agreement in full force and effect:

To construct, operate, and maintain underground infrastructure inclusive of conduit, conductor, and the necessary appurtenances, with said infrastructure locations being further identified on Exhibit A attached hereto and made a part hereof.

This Agreement is solely intended to afford Delmarva the additional rights as described above, in the location described on Exhibit A, and all other rights, terms and conditions of the Right of Way Agreement shall remain in full force and effect.

(space intentionally left blank)

Grantor hereby certifies that the actual monetary consideration paid for this Amendment to Right of Way Agreement is ONE DOLLAR, (\$1.00).

WITNESS:

WICOMICO COUNTY, MARYLAND

Name:
Title:

**STATE OF MARYLAND
COUNTY OF WICOMICO**

BE IT REMEMBERED, that on the _____ day of February, 2014, personally came before me, a notary public, the within named authorized signing agent, _____, party to this Agreement who is known to me personally to be such or who presented satisfactory evidence of his identity as such, and acknowledged that he has voluntarily signed the Agreement for purposes stated within it.

In witness hereof I hereunto set my hand and official seal.

Notary Public

Print Name: _____
Notary Public

My commission expires the _____ day of _____.

[Notary Seal/Stamp Here]