

SMYRNA, DELAWARE TOWN COUNCIL RESOLUTION NO. 008-24

A RESOLUTION PROPOSING INCLUSION OF THE SCHOOL HOUSE VILLAGE SUBDIVISION INTO THE KENT COUNTY STORMWATER MAINTENANCE DISTRICT

WHEREAS, pursuant to 9 Del. C. §5202 et. seq. and Chapter 187 §90.4E(1) of the Kent County Code, a Petition to extend the stormwater maintenance district for the area known as the School House Village subdivision was submitted by a majority of the real property owners within the proposed district; and

WHEREAS, pursuant to Chapter 187 § 90.4.E(2) of the Kent County Code, the Kent Conservation District inspected the stormwater management facilities for the proposed stormwater maintenance district, identified required repairs, and developed an operation and maintenance plan (“Operation Maintenance Plan”); and

WHEREAS, School House Village Homeowners’ Association shall complete the required repairs and Kent Conservation District shall inspect and approve the repairs prior to joining the Stormwater Maintenance District; and

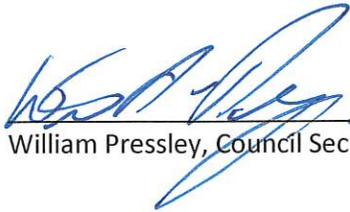
WHEREAS, Chapter 187 §90.4.E.(7) of the Kent County Code requires that for subdivisions and land developments located within incorporated areas, the petition shall be accompanied by evidence of concurrence of the local governing body.

NOW THEREFORE BE IT HEREBY RESOLVED by the Smyrna Town Council, a majority thereof concurring in council duly met, as follows:

1. That the proposed stormwater maintenance district expansion is adequate and appropriate; and
2. That all of the property owners within the School House Village subdivision are benefitted directly or indirectly thereby; and
3. That it is in the best interest of the public health, safety, and welfare to extend the stormwater maintenance district in the manner proposed in the petition submitted by the owners of property in the School House Village subdivision; and
4. That the stormwater maintenance infrastructure within the School House Village subdivision, exclusive of that within the Delaware Department of Transportation/Town of Smyrna right-of-way, shall be maintained in accordance with the Operation and Maintenance Plan and that maintenance shall include regular minor and major maintenance as well as emergency repairs as needed, as defined by Chapter 187 § 90.4.B of the Kent County Code. The Town of Smyrna shall continue to have no responsibility, financially or otherwise, with respect to the School House Village subdivision stormwater facilities incorporated into the stormwater maintenance district; and
5. That the inclusion of the School House Village subdivision within the Stormwater Maintenance District and the resulting infrastructure maintenance managed by the County shall take precedence over any homeowner obligation for stormwater management included in

declarations of restrictions or similar development agreements. Any common open space or infrastructure within a community not maintained as part of a stormwater maintenance district shall remain the responsibility of the homeowners and shall not be the responsibility of the Town of Smyrna; and

6. Inclusion of the School House Village subdivision within the Stormwater Maintenance District shall not exempt lot owners within the subdivision from participation in a stormwater utility should one be established by the Town of Smyrna; and
7. That the Town of Smyrna Council concurs with the extension of the Stormwater Maintenance District – School House Village.



William Pressley, Council Secretary



Robert C. Johnson, Mayor

DATE OF ADOPTION: November 4, 2024