

TAX PARCEL #: 1502200143
PREPARED BY & RETURN TO:
Hudson, Jones, Jaywork & Fisher, LLC (DBE)
225 S. State Street
Dover, DE 19901

**A RESOLUTION APPROVING THE INCLUSION OF AN AREA
WITHIN THE LIMITS OF THE TOWN OF SMYRNA**

WHEREAS, the Charter of the Town of Smyrna authorizes the Council to extend the Town's boundaries pursuant to procedures outlined in the Charter;

WHEREAS, the Mayor and Council of the Town of Smyrna deem it to be in the best interest of the Town of Smyrna to include the area more particularly described hereinafter within the limits of the Town of Smyrna;

WHEREAS, pursuant to the Town of Smyrna Charter, all owners of record of the land proposed for annexation have petitioned the Town for annexation or consented in writing to the annexation, and no written objection has been received by the Town from a qualified resident of the territory proposed for annexation; and

WHEREAS, pursuant to the terms of the Charter, the Town Council is authorized to vote to accept the proposed annexation and adopt a resolution annexing the said territory and including the same within the limits of the Town of Smyrna.

NOW, THEREFORE, BE IT RESOLVED:

1. That the following territory situated in New Castle County, State of Delaware as more particularly bounded and described by the following description be annexed to and included within the limits of the Town of Smyrna:

All that certain lot(s), piece(s) or parcel(s) of land and premises situated in Blackbird Hundred, New Castle County, State of Delaware, near the Town of Smyrna, as more particularly described as follows, to wit:

AREA A

<u>RECORD OWNER</u>	<u>PROPERTY ADDRESS</u>	<u>TAX MAP ID</u>
Smyrna Church of Christ, Inc. 1630 Joe Goldsborough Road Smyrna, DE 19977	1630 Joe Goldsborough Road Smyrna, DE 19977	1502200143

BRIEF DESCRIPTION

ALL that certain tract, piece or parcel of land situate in Blackbird Hundred, New Castle County, State of Delaware, lying on the northerly side of County Road #487 and being bounded on the west by other lands now or formerly of Walton, on the east by lands now or formerly of the

Smyrna Church of Christ, on the south by the centerline of the aforementioned County Road #487 and on the north by other lands now or formerly of Violet R. Sapp and William L. Sapp, her husband, and being more particularly bounded and described in accordance with a minor subdivision plan of William L. Sapp and Violet R. Sapp, his wife, prepared by Charles C. Brown Associates, dated December 15, 1978, and recorded in the Office of the Recorder of Deeds, in and for New Castle County, on Microfilm #5197 on June 12, 1979, as follows:

BEGINNING at a point in the centerline of County Road #487, said point of beginning being measured South 60 degrees 24 minutes 31 seconds West, a distance of 723.75 feet from the intersection of the aforementioned County Road and the westerly line of U.S. Rt. 13; thence from said point and place of beginning and running with the centerline of County Road #487, South 61 degrees West, a distance of 25.23 feet to another point in the centerline of County Road #487; thence turning and running in part with lands now or formerly of Walton, North 21 degrees 17 minutes 4 seconds West, a distance of 432.39 feet to a pipe set at a corner for lands herein described and lands of Walton; thence turning and running with line of lands now or formerly of Walton and lands now or formerly of Sapp, South 61 degrees 42 minutes 56 seconds West, a distance of 493.99 feet to another pipe set in line of lands now or formerly of Howard Deakyne; thence turning and running with the Deakyne lands, North 20 degrees 43 minutes 30 seconds West, a distance of 575.42 feet to another pipe set at a corner for lands of Sapp; thence turning and running with the Sapp lands, North 69 degrees 18 minutes 31 seconds East, a distance of 509.72 feet to a pipe set in line of other lands of the Smyrna Church of Christ; thence with said lands of said church, South 21 degrees 17 minutes 4 seconds East, a distance of 938.92 feet back to the point and place of beginning, be the contents thereof what they may and said to contain 6.598 acres of land, more or less, and a lawfully dedicated access road to the lands and premises described herein.

AREA B

RECORD OWNER

State of Delaware
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903

PROPERTY ADDRESS

Joe Goldsborough Road (part of)
Smyrna, DE 19977

BRIEF DESCRIPTION

That portion of Joe Goldsborough Road situated adjacent to and abutting the property lines of 1630 Joe Goldsborough Road, Smyrna, DE 19977 (as more particularly described herein), including all those portions of Joe Goldsborough Road situated between the center line of Joe Goldsborough Road and the property lines of 1630 Joe Goldsborough Road.

The lands and premises encompassed within the areas proposed to be annexed as described above are depicted on the tax map attached hereto as Exhibit A and incorporated herein by specific reference, a copy of said tax map shall be available for inspection at the Smyrna Town Hall.

2. The proposed zoning district classification for such lands is Institutional and Recreational (I&R), which is consistent with the Town's Comprehensive Plan.

3. That a certified copy of the Resolution of Annexation together with a plot of the annexation area shall be forthwith filed for record with the Recorder of Deeds for New Castle County.

4. That the above-described area so annexed and included within the limits of the Town of Smyrna shall, for all purposes, be a part of the Town of Smyrna beginning with the effective date of this Resolution.

5. The Town Council hereby places the owners of record of the lands herein, and all other interested parties, on notice that the Town shall not be obligated to provide or extend any municipal facilities or improvements unless and until the Town Council, in the sole exercise of its reasonable discretion, determines that it is appropriate for the Town to do so *or* the owner or developer of any property so annexed (or any portion thereof) binds itself, with reasonable surety acceptable to the Town, to pay in full all costs and expenses to provide and/or to extend or construct such municipal facilities and improvements to serve such lands (in strict accordance with all governing federal, state, and Town regulations and standards), subject to an appropriate "recapture agreement" (acceptable to the Town) pursuant to which the owner(s) or developer(s) of other lands benefited by the extensions or improvements paid for by the initial owner/developer under the recapture agreement would pay to the Town their equitably-determined proportionate share of such costs and expenses (as a condition precedent to obtaining such extensions and/or improvements) which amounts the Town would, upon receipt, rebate to the owner or developer which had originally paid for those extensions and/or improvements.

6. As a condition of this annexation, the property shall be connected to the Town of Smyrna's water and sewer utility system within ninety (90) days of water and sewer utilities being made ready and available to service the annexed property. All costs to connect the annexed property to the Town of Smyrna's water and sewer utility mains shall be the responsibility of the owners of record.

7. The effective date of this Resolution shall be the 16th day of September, 2024.



Robert C. Johnson, Mayor

This is a true and correct copy of the resolution adopted by Mayor and Council at their regular meeting on September 16, 2024.



William D. Pressley Sr., Council Secretary

STATE OF DELAWARE :
: SS
COUNTY OF KENT :

BE IT REMEMBERED that on this 16th day of September, 2024, personally came before me, a Notary Public for the State of Delaware, Robert C. Johnson, Mayor of the Town of Smyrna, a municipal corporation existing under the laws of the State of Delaware, known to me personally to be such, and acknowledged this Resolution to be the act and deed of the Town of Smyrna, that the signature of the Mayor thereto is in his proper handwriting and the seal affixed is the seal of the Town of Smyrna.

GIVEN under my hand and seal of office the day and year aforesaid.



Notary Public



EXHIBIT A

