

TOWN OF SMYRNA RESOLUTION #04-24
RESOLUTION TO ACCEPT STREETS AND SUBDIVISION IMPROVEMENTS IN LAKE
COMO WOODS SUBDIVISION AND DEDICATE THE SAME TO PUBLIC USE

WHEREAS, pursuant to §§ 5.01(f)(12) & 3.09(e) of the Town of Smyrna Subdivision and Land Development Ordinance, streets and subdivision improvements are to be dedicated to the Town of Smyrna at such time as the streets and subdivision improvements have been completed by the developer and inspected by the Town and found to have been constructed in accordance with the Town's specifications; and

WHEREAS, those streets and subdivision improvements more particularly described herein for Lake Como Woods Subdivision have been completed by the developer and inspected by the Town and found to have been completed in accordance with the Town's specifications.

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

1. Dedication of Improvements. Those streets and subdivision improvements identified herein and further described in the Bill of Sale and Deed, attached hereto as Exhibit A and incorporated herein by specific reference thereto, are hereby accepted by the Town of Smyrna and dedicated to public use.

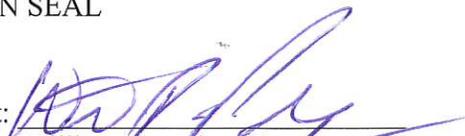
ALL those certain tracts, pieces or parcels of land together with the improvements thereon, situated in Duck Creek Hundred, Kent County, Delaware, consisting of Dozer Court, Trouble Lane, Mischief Lane and Lydia Drive (collectively, the "Streets"), including all subdivision improvements running on, over, under, or through the Streets, as such tracts are more particularly bounded and described and depicted on that certain Record Major Resubdivision Plan For Lake Como Woods prepared by Karins and Associates dated December 10, 2003, last revised April 28, 2005 and recorded March 20, 2006 in the Office of the Recorder of Deeds, in and for Kent County, Delaware in Plot Book 84, Page 29.

2. Repealer. All resolutions and parts of resolutions heretofore enacted to the extent that the same are inconsistent herewith are hereby repealed.
3. Effective Date: This Resolution shall take effect immediately upon its passage.

This shall certify that this is a true and correct copy of the resolution duly adopted by a majority of the members of the Town Council of the Town of Smyrna at a regular meeting at which a quorum was present held on July 15, 2024.

TOWN SEAL

Attest:


William Pressley, Secretary

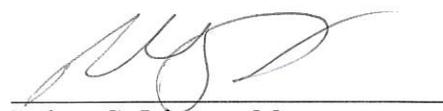

Robert C. Johnson, Mayor

EXHIBIT A

BILL OF SALE FOR SUBDIVISION IMPROVEMENTS LOCATED WITHIN DOZER COURT, TROUBLE LANE, MISCHIEF LANE AND LYDIA DRIVE, WITHIN THE LAKE COMO WOODS SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned IPA Lake Como Woods, LLC party of the first part (hereinafter "Seller"), for and in consideration of the sum of ONE DOLLAR (\$1.00), lawful money of the United State of America, to it in hand paid, and for other good and valuable consideration given by the Town of Smyrna, a municipal corporation of the State of Delaware, party of the second part (hereinafter "Buyer"), at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, transferred, delivered and assigned and by these presents does grant, bargain, sell, transfer, deliver and assign to Buyer, all of its right, title, and interest in and to all (1) water lines and related facilities, including, but not limited to all distribution lines, valves, fire hydrants and other appurtenances to said lines whatsoever; (2) all sanitary sewer lines, junction boxes and all other related facilities; (3) all storm water lines, culverts, drain pipes, collection basins, grates and related facilities; (4) all curbs, sidewalks and crosswalks; (5) all street signs; (6) all traffic control and safety signs or devices; (7) all electric distribution lines, transformers, and all other related facilities; and (8) all other subdivision improvements located in, on, over, under, or within the bed and/or rights-of-way of Dozer Court, Trouble Lane, Mischief Lane and Lydia Drive within the Lake Como Woods Subdivision, Smyrna, Kent County, Delaware, as the same rights-of-way are shown on the subdivision plan entitled Record Major Resubdivision Plan for Lake Como Woods, recorded in the Office of the Recorder of Deeds in and for Kent County on March 20, 2006 in Plot Book 84, Page 29.

TO HAVE AND TO HOLD the same unto the Town, its successors and assigns, for its own proper use and behoof forever.

AND the undersigned does vouch itself to be the true and lawful owner of the said property and does have in itself full power, good right and lawful authority to dispose of the said property in the manner as aforesaid, and it does, for its successors and assigns, covenant and agree to and with the Buyer to Warrant and Defend the said property to the Buyer, its successors and assigns, against the lawful claims and demands of all and every person whomsoever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be duly executed, this 19th day of JUNE 2024.

IPA LAKE COMO WOODS, LLC

Joanne M. Caputo (SEAL)

Print Name: Joanne M. Caputo

STATE OF DELAWARE :
 : SS
COUNTY OF NEW CASTLE :

BE IT REMEMBERED that on this 19TH day of JUNE, A.D., 2024, personally came before me, a Notary Public for the State of Delaware, JOANNE M CAPANO MANAGER of IPA LAKE COMO WOODS, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said company, that his/her signature is in his/her own proper handwriting and the seal affixed is the seal of said corporation/company, and that his/her act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the company.

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

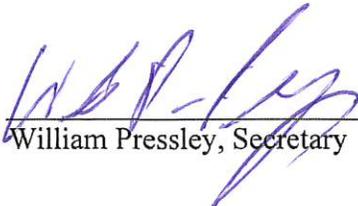


Arthur Pery
Notary Public

CERTIFICATE OF ACKNOWLEDGEMENT AND ACCEPTANCE
TOWN OF SMYRNA, KENT COUNTY, DELAWARE

The undersigned hereby certifies that the within Bill of Sale is hereby accepted by the Town of Smyrna, this 15th day of July, 2023. 2024

TOWN OF SMYRNA

Attest: 
William Pressley, Secretary

By: 
Robert C. Johnson, Mayor

STATE OF DELAWARE :
: ss
COUNTY OF KENT :

BE IT REMEMBERED that on this 15th day of July, A.D., 2023, personally came before me, a Notary Public for the State of Delaware, Robert C. Johnson, Mayor of the Town of Smyrna, a Delaware Municipal Corporation, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said municipal corporation, that his signature is in his own proper handwriting and the seal affixed is the seal of said municipal corporation, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Town Council of said municipal corporation.

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




Notary Public

Tax Parcel Numbers:

DC-17-019.00-02-01.00-000

DC-17-019.00-02-02.00-000

DC-17-019.00-02-03.00-000

DC-17-019.00-02-04.00-000

[Original Tax Parcel Numbers prior to Subdivision]

PREPARED BY AND RETURN TO:

John E. Tracey, Esquire (APUSZ)

Young Conaway Stargatt & Taylor, LLP

Rodney Square

1000 N. King Street

Wilmington, DE 19801

THIS DEED, made this 15th day of July, 2024,

Between:

CAPSON OF BRANDYWINE, LLC, a Delaware limited liability company, of 4420 Limestone Road, Suite 202, Wilmington, DE 19808, party of the first part,

AND

TOWN OF SMYRNA, a Delaware limited liability company, of 27 S. Market Street Plaza, Smyrna, DE 19977, party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and assigns:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

BEING a part of the same lands and premises which John J. Sheridan, III and Francis T. Sheridan, a Partnership, a New Jersey Partnership, by Deed dated March 15, 2002 and recorded March 21, 2002 in the Office of the Recorder of Deeds, in and for Kent County, Delaware in Deed Book 465, Page 186, did grant and convey unto Capson of Brandywine, LLC, a Delaware limited liability company, in fee.

SUBJECT TO AND TOGETHER WITH THE BENEFIT OF ALL covenants, conditions, restrictions, plans and easements of record with respect to the property described above, this reference to which shall not be construed to reimpose any such covenants, conditions, restrictions, plans and easements which have otherwise lapsed, expired or have otherwise been

terminated in accordance with their terms or otherwise, as applicable.

**NO TITLE SEARCH OR SURVEY PERFORMED
AND NO TITLE INSURANCE REQUESTED OR ISSUED**

Grantee's Address:

27 S. Market Street Plaza
Wilmington, DE 19977

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal on behalf of the company.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

CAPSON OF BRANDYWINE, LLC, a
Delaware limited liability company

Witness

By: _____ (Seal)
Print Name: _____
Print Title: _____

STATE OF DELAWARE)
): **S.S.**
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, that on this ____ day of _____, 2024, came before me, the Subscriber, a Notary Public in and for the State and County aforesaid, _____, _____ of Capson of Brandywine, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the authorized act and deed of said limited liability company.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

Notary Public or Notarial Officer
Print Name: _____
My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTION

ALL those certain tracts, pieces or parcels of land together with the improvements thereon, situated in Duck Creek Hundred, Kent County, Delaware, consisting of Dozer Court, Trouble Lane, Mischief Lane and Lydia Drive (collectively, the "Streets"), as such tracts are more particularly bounded and described and depicted on that certain Record Major Resubdivision Plan For Lake Como Woods prepared by Karins and Associates dated December 10, 2003, last revised April 28, 2005 and recorded March 20, 2006 in the Office of the Recorder of Deeds, in and for Kent County, Delaware in Plot Book 84, Page 29.

NB: No Tax Parcel Number was assigned to the Streets.