

SMYRNA, DELAWARE

RESOLUTION AUTHORIZING THE TOWN TO ACQUIRE TWO LOTS NOW OR FORMERLY KNOWN AS LOTS 554 AND 715 IN THE MEADOWS OF SMYRNA SUBDIVISION, FURTHER DESCRIBED AS TMP# DC-17-028.01-15-97.00-000 AND DC-17-028.01-15-48.00-000, FROM LIBORIO INVESTMENTS III, LLC AS A DONATION TO THE TOWN; AUTHORIZING THE ACTING TOWN MANAGER TO EXECUTE THOSE DOCUMENTS NECESSARY TO EFFECTUATE THE PROPERTY ACQUISITION; AND AUTHORIZING OTHER NECESSARY ACTIONS

WHEREAS, Section 4.2.2 of the Town Charter authorizes the Town to acquire real property “necessary or desirable for any municipal or public purpose”;

WHEREAS, Liborio Investments III, LLC owns lots 554 and 715 in the Meadows of Smyrna Subdivision, further described as Tax Map Parcel Numbers DC-17-028.01-15-97.00-000 and DC-17-028.01-15-48.00-000 (the “Property”);

WHEREAS, the Town desires to acquire the Property as part of the expansion of the Town’s utility system in order to service the utility customers of the Town of Smyrna;

WHEREAS, in the opinion of the Smyrna Town Council, the acquisition of the Property as described herein is for a municipal or public purpose under Section 4.2.2 of the Town Charter and will benefit the public health, safety, and welfare of the Town of Smyrna.

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, that:

1. Property Acquisition. The Town is hereby authorized to acquire lots 554 and 715 in the Meadows of Smyrna Subdivision, further described as Tax Map Parcel Numbers DC-17-028.01-15-97.00-000 and DC-17-028.01-15-48.00-000, from Liborio Investments III, LLC, or a successor in interest thereto, which property is being donated to the Town. The Town shall pay all standard fees, transfer tax, and closing costs associated with the Property’s transfer. The Town shall not be responsible for paying any realtor commissions or attorneys’ fees for the Seller. The Town shall accept the Property in an “as is” condition. As needed, the Acting Town Manager is authorized to negotiate the terms of an agreement of sale with Liborio Investments III, LLC, on such terms as the Acting Town Manager deems appropriate, and is authorized to execute the agreement of sale.

2. Officers Authorized to Act. With respect to any and all acts associated with the acquisition of the Property, or for the purpose of taking any other actions authorized pursuant to this Resolution, the Acting Town Manager is hereby authorized, empowered, and directed to execute any and all documents and to take any other actions reasonably necessary for the Town to acquire the Property.

3. Severability. In case any one or more of the provisions contained in this Resolution shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity,

illegality or unenforceability shall not affect any other provision of this Resolution and this Resolution shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

4. Repealer. All resolutions and parts of resolutions heretofore enacted to the extent that the same are inconsistent herewith are hereby repealed.

5. 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 member of the Town Council of the Town of Smyrna at a regular meeting at which a quorum was present held on March 3, 2025.

TOWN SEAL

Attest: _____
William Pressley, Secretary

Robert C. Johnson, Mayor