

RESOLUTION #____-25

RESOLUTION PROPOSING THE ANNEXATION OF TWO LOTS ON WHEATLEYS POND ROAD AND ADJACENT ROADWAYS INTO THE MUNICIPAL LIMITS OF THE TOWN OF SMYRNA; DESIGNATING THE PROPOSED ZONING CLASSIFICATION; SCHEDULING A PUBLIC HEARING; AND REFERRING THE PROPOSAL TO THE TOWN PLANNING COMMISSION

WHEREAS, the municipal charter of the Town of Smyrna empowers the Town to annex additional contiguous territory adjoining the corporate limits of the Town in accordance with the procedures set forth therein, and subject to state laws of general application to municipalities pertaining to annexation of territory;

WHEREAS, the record owners of the hereinafter-described parcel of land (contiguous with the existing corporate limits of the Town) have petitioned the Town, in writing duly executed and acknowledged and otherwise in compliance with the petition requirements set forth in the Town Charter, identifying the purpose of the annexation being to benefit from the Town's services;

WHEREAS, the Town Council has considered such petition and has determined that it would be in the best interests of the health, safety, and welfare of the Town to accept such petition and initiate the proceedings required for annexation as set forth in the Town's municipal charter;

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

1. The hereinafter-described territory, contiguous with the existing corporate limits of the Town, is hereby proposed for annexation into the Town of Smyrna:

RECORD OWNER: RASHEEDAT & ADRIAN HILL

PROPERTY ADDRESS: Lots on Wheatleys Pond Road
 Smyrna, DE 19977

TAX MAP IDS: 1-00-01808-01-1100-000; 1-00-01808-01-1000-000

BRIEF DESCRIPTION:

All that certain lot, piece or parcel of land, with all the improvements erected thereon, situated in Duck Creek Hundred, Kent County and State of Delaware; being bounded on the northwest by Wheatleys Pond Road (width varies), on the northeast by lands now or formerly of Mary Ann Steele (D 2664 216), on the southeast by Culbreath Street (30 feet wide), on the southwest by N. Carter Road (width varies), and being more particularly described as follows:

Beginning at a point, a found concrete monument, located at the intersection of the southeasterly line of Wheatleys Pond Road with the northeasterly line of N. Carter Road; thence, running from

said point of beginning with the southeasterly line of Wheatleys Pond Road, North 55 degrees 06 minutes 43 seconds East 224.42 feet to a point at a common corner for this parcel and lands of Steele in the southeasterly line of Wheatleys Pond Road; thence, turning and running with lands of Steele, South 35 degrees 00 minutes East 222.00 feet to a point, a found fence post, at a common corner for this parcel and lands of Steele in the northwesterly line of Culbreath Street; thence, turning and running with the northwesterly line of Culbreath Street, South 55 degrees 00 minutes West 204.00 feet to a point, a found concrete monument, at a common corner for this parcel and the intersection of the northwesterly line of Culbreath Street with the northeasterly line of N. Carter Road; thence, turning and running with the northeasterly line of N. Carter Road on the following two (2) courses and distances: (1) North 42 degrees 37 minutes 15 seconds West 123.55 feet to a point, a found concrete monument; thence, (2) North 37 degrees 34 minutes 52 second West 100.42 feet to the point and place of beginning and containing 1.10 acres of land, more or less.

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. Pursuant to Section 3.2.10(c) of the Town Charter, upon the annexation of the property more fully described herein, “all streets, roads, and alleys immediately adjacent to the annexed parcel, up to the centerline of the street, road, or alley, shall be deemed annexed into the Town.”

2. The proposed zoning district classification for such lands is **Corridor Commercial (CCM)**, which is in accordance and consistent with the Town’s Comprehensive Plan.

3. A public hearing to receive public comment for purposes of legislative fact-finding is scheduled for **October 6, 2025** at 6:45 p.m. in the Council Chamber of Smyrna Town Hall, 27 S. Market Street Plaza, Smyrna, Delaware. Persons desiring to submit written comments may do so by mailing such comments to: Town of Smyrna, 27 South Market Street Plaza, Smyrna, DE 19977, Attn: Jeremy Rothwell, Planning Director, or by calling 302-389-2332 or emailing comments to jrothwell@smyrna.delaware.gov. To be considered, written comments must be received by the Planning Director before the close of the public hearing. Any individual living in the territory proposed for annexation who would be qualified to vote in an annexation election and who wishes to oppose the annexation must submit a written objection with the Town Manager prior to the close of the public hearing.

4. A copy of this Resolution shall be delivered to the Town Planning Commission as soon as conveniently possible following the adoption hereof for its advisory review and comment; provided that, if the Town Planning Commission does not submit its recommendations and comments back to the Town Council at or prior to the hereinabove-scheduled public hearing, the Town Council may proceed to consider and act upon the proposed annexation without the benefit of the Planning Commission’s recommendations and comments.

5. Public Notice, setting forth the text of this resolution, shall be provided as set forth in Section 3 of the Town Charter.

6. The Town Council hereby places the owners of record of the lands herein proposed for

annexation, and all other interested parties, on notice that, if the annexation is finally approved, 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 such municipal services 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.

Adopted by the Town Council of the Town of Smyrna, this 18th day of August, 2025.

Council Secretary

Mayor

EXHIBIT A

