

TAX PARCEL #: 1-00-01808-01-1000-000; 1-00-01808-01-1100-000
PREPARED BY & RETURN TO:
Hudson, Jones, Jaywork & Fisher, LLC (DBE)
225 S. State Street
Dover, DE 19901

A RESOLUTION APPROVING THE INCLUSION OF TWO LOTS ON WHEATLEYS POND ROAD (TAX MAP ID: 1-00-01808-01-1100-000; 1-00-01808-01-1000-000) WITHIN THE MUNICIPAL 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 municipal 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 THAT:

1. The following territory situated in Kent 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:

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 seconds 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 Residential – R-2A, which is consistent with the Town’s Comprehensive Plan.

3. 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 Kent County.

4. 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

EXHIBIT A

