

Resolution No.: 07-13-15-074

Date: 07-21-2015

**RESOLUTION FOR THE PUBLIC HEARING
OF THE ANNEXATION OF
EDDIE EVANS FARM, LLC AND REGAL CONTRACTORS, LLC
PROPERTIES - PHASES 1 & 2; PHASES 5-9
IN ACCORDANCE
WITH THE CHARTER OF THE TOWN OF CHESWOLD**

Whereas, the Charter of the Town of Cheswold, Section 3.1.1 and Section 3.2.1, authorizes the Town Council to consider requests from property owners to extend the boundaries of the said Town after notification of the property owners and the residents of the Town and the territory proposed to be annexed; and

Whereas, Eddie Evans Farm, LLC and Regal Contractors, LLC - Phases 1 & 2; Phases 5-9, represented by Mr. Barrett Edwards, hereby to be referred to as Nobles Pond, multiple parcels, (recorded in the Annexation Application 2015-03-25-0001), ("Annexation Application"), with the Town of Cheswold seeking annexation of property totaling approximately 111.3 acres, and identified by multiple Map ID's (recorded in the Annexation Application as Exhibit B), (collectively the "Property"); and

Whereas, said parcels lies on the west side of Commerce Street/McKee Road, south of School Lane and adjacent to the Evans Jarrell, LLC property, which is also the subject of a pending annexation application, and shall become contiguous with the Town of Cheswold, upon the approval of the annexation of the Evans Jarrell, LLC property; and

Whereas, the Annexation Application includes and is subject to the approval of an Annexation Agreement by and between the Town, Applicant and Evans Jarrell, LLC. The Annexation Agreement, which is available for inspection and review at Town Hall and entered into by the Town in accordance with Section 3.2.8 of the Town Charter provides, in pertinent part; and

Whereas, the Annexation Application, (2015-03-05-0002 includes and is subject to the approval of an Annexation Agreement that specifies in summary, that the:

1. Annexation procedure shall be adhered to as directed by Section 3 of the Town Charter;
2. Town Council shall consider the approval of a R-5 Zoning Code, (Age Defined Community);
3. Town Council shall adopt an Annexation Ordinance upon the approval of the R-5 Zoning Code and the completion of the special election;

4. Town shall provide fire, rescue and police services to the Annexed property and that the Town has not agreed to provide public utilities;
5. Applicant shall comply with Town Ordinances;
6. Sub-division approvals granted by Kent County for the Eddie Evans properties shall be binding on the Town and the Town shall not require any additional approvals for the Eddie Evans property that have already been approved by Kent County; provided however, that following annexation of the Eddie Evans Property, the development of the Eddie Evans Property shall be subject to the requirements of the Town of Cheswold Land Use Ordinance;
7. Applicant shall take all steps necessary to name the Town as the beneficiary of such bonds and guaranties previously obtained, within ninety, (90), days of the final annexation;
8. Town waives real property taxes for the annexed property for seven, (7), years from the date the annexed property is annexed into the Town and if prior to the expiration of the seven, (7), years, any portions of the annexed property are transferred to new owners, the tax waiver shall continue with respect to those transferred portions for the remained of the seven, (7), years;
9. Enforcement of the Agreement shall be conducted as outlined in the Annexation Agreement;
10. Remainder of the Annexation Agreement deals with the binding effect of the Agreement; the recording of the Agreement; the handling of Conflicts and Severability; and

Whereas, upon recommendation from the Planning Commission, (Memo 15-002), May 27, 2015, the Town Council approved the Zoning Code of the Eddie Evans Farm, LLC and Regal Contractors, LLC properties to be R-5 Age Defined Community; and

Whereas, the Town Council accepted the Annexation Application and Agreement for processing, upon an unanimous vote of the Town Council at the regularly scheduled Town Council meeting, held on Monday, May 4, 2015; and

Whereas, the Town Charter requires the Mayor and Council of the Town of Cheswold to pass a Resolution proposing the annexation of the Property and to solicit public comment and opinion on such proposal and to give proper notification of the proposed annexation and Public Hearing to property owners and residents of both the Town and the territory to be annexed: and

Whereas, upon final adoption and approval of this annexation, the Town Council shall cause the Zoning Map of the Town of Cheswold Land Use Ordinance to be revised to reflect addition of the annexed property, along with the associated Zoning Code;

NOW THEREFORE BE IT RESOLVED, by a majority vote of the Town Council and agreement of the Mayor, by Resolution duly adopted by the Town Council and Mayor, at the Town of Cheswold Town Council Monthly Workshop Meeting, held on Tuesday, July 21, 2015, at 5:00 p.m., in the Cheswold Town Hall, 691 Main Street, Cheswold, DE 19936, that the Town proposes to annex the Property to the Town's limits and territory;

BE IT FURTHER RESOLVED, that a Public Hearing shall be held on the 18th of August, 2015, beginning at 6:00 p.m., in the Cheswold Town Hall, 691 Main Street, Cheswold, DE, 19936, before the regular Town Council Workshop Meeting to consider annexation of the Property; and

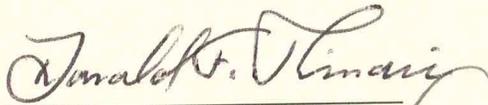
BE IT FURTHER RESOLVED, the parties in interest and citizens shall have an opportunity to be heard at such Public Hearing,

BE IT FURTHER RESOLVED, that a comment period, as required by Title 22, Section 101 (5) of the Delaware Code, shall commence immediately upon the adoption of this Resolution and shall conclude upon the close of business, on Friday, August 21, 2015, during which comment period, interested persons may submit comments on the proposed annexation to Cheswold Town Hall, P.O. Box 220 or at 691 Main Street, Cheswold, Delaware 19936. All written comment received during this period shall be filed with the Delaware Office of State Planning Commission, along with the Town's response thereto, if any; and.

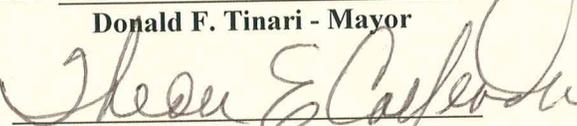
BE IT FURTHER RESOLVED, that upon completion of the Public Hearing, and a review of public comment/s concerning this proposed annexation, a vote to approve or deny this annexation will be held by the Town Council at the Town Council Workshop Meeting, held on Tuesday, August 25, 2015, at 6:30 p.m., in the Cheswold Town Hall, 691 Main Street, Cheswold, DE 19936; and

Whereas; this Resolution is duly adopted by the Town Council and Mayor, at the Town of Cheswold Town Council Monthly Workshop Meeting, held on Tuesday, July 21, 2015, at 6:00 p.m., in the Cheswold Town Hall, 691 Main Street, Cheswold, DE 19936.

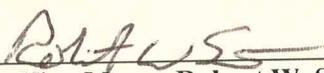
I, Donald F. Tinari, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by an affirmative majority vote of the Town Council at the Monthly Council Meeting, held on, Tuesday, July 21, 2015, at which a quorum was present and voting throughout, and that the same is still in force and effect.

CERTIFIED: 
Donald F. Tinari - Mayor

Date: July 21, 2015

ATTEST: 
Theon E. Callender - Secretary/Treasurer

Date: July 21, 2015

Agreed: 
Vice-Mayor Robert W. Sine

Date: July 21, 2015

Agreed: Sherry Lambertson
Councilperson Sherry Lambertson

Date: July 21, 2015

Agreed: Position Vacant
Councilperson

Date: July 21, 2015

Agreed: Position Vacant
Councilperson

Date: July 21, 2015

NOTARIZED: Shadina Jones
Shadina Jones - Town Clerk

Date: July 21, 2015



Primary Sponsor: Theon E. Callender – Secretary/Treasurer