



Resolution No.: 08-08-22-104

Date: 08-08-2022

**RESOLUTION FOR ANNEXATION OF PROPERTY OWNED BY LIBORIO III, LP
("LIBORIO") IN ACCORDANCE WITH THE CHARTER OF THE TOWN OF
CHESWOLD**

WHEREAS, the Charter of the Town of Cheswold ("Charter"), Section 3.2.3, provides that Town Council may, at any time following the public hearing with respect to a proposed annexation, pass a resolution ordering a special election to be held regarding the proposed annexation;

WHEREAS, the Town ordered a special election in accordance with the provisions of Sections 3.2.3 through 3.2.7 of the Charter with respect to the proposed annexation, and such special election was properly noticed in accordance with the Charter and Delaware Statutes;

WHEREAS, the special election was conducted on Monday, August 8, 2022, in accordance with the Charter provisions, and a majority of the votes cast from the territory proposed to be annexed were cast in favor of the proposed annexation;

WHEREAS, pursuant to Section 3.2.7 (c) of the Charter, if the vote is favorable to the proposed annexation, the Town Council shall at its first meeting following the Special Election adopt a resolution annexing the said territory and including it within the limits of the Town;

WHEREAS, pursuant to Section 3.2.8 of the Charter, a material part of the annexation includes the final "Annexation Agreement for Cheswold," and the annexation is subject to its terms. A copy of the final Annexation Agreement, which the Town shall be bound to honor the provisions of such agreement unless released by Liborio or after the expiration of seven (7) years, is available upon request at the Town Hall, and in summary provides that:

1. Liborio is the record title owner ("Owner") of the subject parcel consisting of approximately 54 acres contiguous to the eastern boundary of the Town of Cheswold;
2. The Town has duly considered and determined that annexation is in the Town's best interests;
3. Agreement is contingent upon R-3 zoning in the annexed tract;
4. Owner intends to develop the tract in accordance with the Project Description contained in the Agreement;

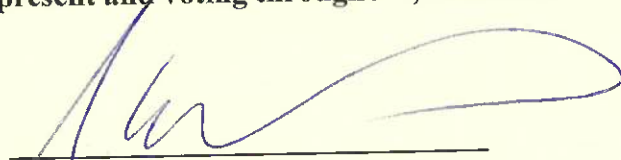
5. Owner intends to bear the costs of connecting to the central water distribution and sanitary systems constructed and operated by Artesian Water and Kent County, respectively;
6. Owner shall cooperate with the Town in preparing and submitting the Plan of Service, as required by the State of Delaware, Office of State Planning Coordination;
7. Infrastructure and adequate public facilities improvements will be funded by the developer in agreement with the Town or other public bodies;
8. Owner will identify improvements to be dedicated to the Town, and Town will accept such dedication;
9. Owner will reimburse the Town for fees and costs necessary to accomplish the annexation, which shall be paid in full prior to the final action of Town Council on the annexation;
10. Pursuant to the Town Charter, the Term of the Annexation Agreement shall expire seven (7) years from the date of the final annexation resolution, except that Owner may at any time, in writing release the Town from any of its obligations under the Agreement.

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 Meeting, held on Monday, July 11, 2022, that the Town shall annex the Property to the Town's limits and territory;


BE IT FURTHER RESOLVED that Town Council shall take such action as necessary to amend the Town Zoning Map to reflect the approved R-3 Zoning for the newly annexed territory.

WHEREAS, this Resolution is duly adopted by the Town Council and Mayor, at the Town of Cheswold Town Council Monthly Meeting, held on Monday, August 8, 2022 at 5:00 p.m., at Cheswold Town Hall, 691 Main Street, Cheswold, DE 19936;


I, SANTO FARONEA, 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, Monday, August 8, 2022, at which a quorum was present and voting throughout, and that the same is still in force and effect.

CERTIFIED: 
 SANTO FARONEA - Mayor

Date: August 8, 2022

ATTEST 
 THEON CALLENDER - Secretary/Treasurer

Date: August 8, 2022

Agreed: 
MICHAEL WYSONG - Vice-Mayor

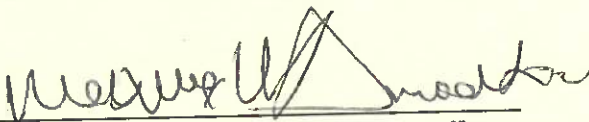
Date: August 8, 2022

Agreed: 
JUDITH JOHNSON - Councilperson

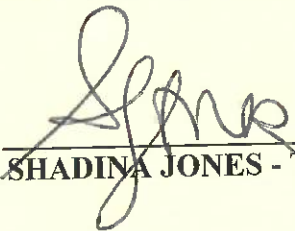
Date: August 8, 2022

Agreed: Excused
MARK MOXLEY - Councilperson

Date: August 8, 2022

Agreed: 
MAXWELL AMOAKO - Councilperson

Date: August 8, 2022

NOTARIZED: 
SHADINA JONES - Town Clerk

Date: August 8, 2022

Shadina Darcell Jones
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires June 11, 2026