Town of Cheswold
Delaware
1856

State of
Delaware
1787

Resolution No.: 10-19-2026-150 **Date: 11-02-2026**

RESOLUTION ORDERING AND SETTING A DATE FOR SPECIAL ELECTION WITH RESPECT TO THE ANNEXATION OF PROPERTY OWNED BY AQUILA FARM LLC 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, at the Town Council meeting held on June 1, 2026, upon unanimous vote, Town Council accepted for processing an annexation application and attendant annexation agreement (Annexation Application #2026-150) submitted by Aquila Farm LLC ("Aquila") for Tax Parcel Nos. 3-03-03700-01-0200-00001 and 3-03-03700-01-0100-00001, with the legal description "N. SD. RT. #152, BETHEL CHURCH-SEVEN HICKORIES" and "BOTH SDS. RD., CENTRAL MILL TO CHESWOLD, 151.4 A. 765 MOORTON ROAD," (collectively, the "Property") and which is contiguous with the Town of Cheswold;

WHEREAS, upon recommendation from the Planning Commission made, on **October 8, 2026,** the Town Council approves, contingent upon actual annexation of the Property, if any, the assignment of the zoning code R-3 Zoning (Multi-Family/Town House Residential) for the Property;

WHEREAS, in accordance with the Charter, Town Council passed Resolution **8-20-2026-146** proposing the annexation of the Property and scheduling a public hearing, November 2, 2026 at 4:00
p.m. 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;

WHEREAS, the comment period, as required by Title 22, Section 101 (5) of the Delaware Code, commenced immediately upon the adoption of Resolution **8-20-2026-146** and concludes upon the close of business, on Friday, October 30, 2026;

WHEREAS, Town Council conducted a public hearing on November 2, 2026, at 4:00 p.m. in order to receive information and take comments on the proposed annexation;

WHEREAS, at the Town Council monthly meeting held immediately after the conclusion of the public hearing on November 2, 2026, Town Council determined that it is in the best interest of the Town to annex the Property because it will, among other things, provide for the expansion of Town limits, increase the potential tax revenue, provide additional citizens to volunteer for public service, and provide an additional commercial opportunity, which will add to the growth and commercial development of the Town in accordance with the Town of Cheswold Comprehensive Plan;

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WHEREAS, the Town Council decided to order 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;

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 Aquila or after the expiration of seven (7) years from the date of final approval, is available upon request at the Town Hall, and in summary provides that:

1. Aquila is the record title owner ("Owner") of the subject parcel consisting of approximately 258 acres contiguous to the northern 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 the Town, at its discretion, will accept such dedication. The foregoing notwithstanding, Owner does not dedicate streets, sidewalks, curbs, nor stormwater management ponds to the Town;~~.~~

~~8.~~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; and

~~9.~~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, June 1, 2026, that the Town desires to proceed with the annexation of the Property to the Town's limits and territory;

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BE IT FURTHER RESOLVED that a Special Election shall be held on December 7, 2026, **beginning at 1:00 p.m. and ending at 3:30 p.m**. in Cheswold Town Hall, 691 Main Street, Cheswold, DE 19936;

BE IT FURTHER RESOLVED that the Special Election will be conducted by paper ballot in accordance with Section 3.2.6 of the Charter;

BE IT FURTHER RESOLVED that, in accordance with the provisions of Section 3.2.5(a) and subject to the limitations and other requirements contained in Section 3.2.5(b) and (c) of the Charter, any person residing in the territory proposed to be annexed who would be entitled to vote at the annual Town election if the area proposed to be annexed already was included in the Town, shall be entitled to vote, and each legal entity owning property in its own name, in the territory proposed to be annexed, shall be entitled to one vote;

BE IT FURTHER RESOLVED that, in accordance with Section 3.2.11 of the Charter, to eliminate the possibility of un-zoned lands in Town and to expedite the zoning of the Property upon a favorable result in the special election, the Town Council shall take any such action as is necessary to enable the Town Council to amend the Town Zoning Map to designate the approved zoning classification of R-3 Zoning for the Property, if a majority of the votes cast in the special election are in favor of such annexation.

WHEREAS, this Resolution is duly adopted by the Town Council and Mayor, at the Town of Cheswold Town Council Monthly Meeting, held on Monday, November 2, 2026, at 5:00 p.m., at Cheswold Fire Hall, 371 Main Street, Cheswold, DE 19936;

I, **JEANETTE WILLIAMS, Mayor of the Town of Cheswold**, do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by an affirmative majority vote of Town Council members of the Town of Cheswold, at which a quorum was present and voting throughout, and that the same is still in force and effect.

CERTIFIED: _____ **Date: November 2, 2026**
JEANETTE WILLIAMS - Mayor

ATTEST: _____ **Date: November 2, 2026**
VICTOR COLLINS – Vice Mayor

Agreed: _____ **Date: November 2, 2026**
JOSEPH SCHELL – Secretary/Treasurer

Agreed: Absent – no report **Date: November 2, 2026**
ROBIN RIDGWAY - Councilperson

Agreed: _____ **Date: November 2, 2026**
JAMIE BARTLETT – Councilperson

Agreed: _____ Date: November 2, 2026
DAWSON OTTINGER - Councilperson

NOTARIZED: _____ Date: November 2, 2026
Sarah R Cahall-Asst Land Use

SARAH R CAHALL
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires 01-31-2028