

*Town of Milton*  
115 Federal Street  
Milton, DE 19968



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**RESOLUTION NO. 2020-023**

**TO CAUSE A DESCRIPTION AND A PLOT OF TERRITORY TO BE ANNEXED TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, FOR THE APPROXIMATELY 19.57 ACRES OF LAND IDENTIFIED AS PARCELS 235-14.00-123.01 (24700 BROADKILL ROAD), 235-14.16-1.00, 235-14.16-2.00, AND 235-14.16-3.00, AND THE REMAINING PORTIONS OF PARCELS 235-14.00-123.00 (24716 BROADKILL ROAD), AND 235-14.16-4.00.**

**WHEREAS**, the Town of Milton, Delaware (“the Town”), has received an Annexation Petition (“the Petition”) from Milton Attainable Housing LLC for the above-captioned parcels that total approximately 26.5 acres (“the Project”); and

**WHEREAS**, the current Town boundary bifurcates the two largest parcels, 235-14.00-123.00 (with approximately 5.715 acres in Town and currently zoned C-1) and 235-14.16-4.00 (with approximately 1.164 acres in Town and currently zoned R-1), which the Petition seeks to rezone; and

**WHEREAS**, pursuant to Title 22, Section 702 of the Delaware Code, the Town adopted, and the State certified, the Town’s 2018 Comprehensive Plan, which may be revised or amended pursuant to the aforementioned Section of the Delaware Code; and

**WHEREAS**, the Project’s unincorporated areas are contiguous with the Town and within the growth area of the Town’s 2018 Comprehensive Plan and therefore eligible for annexation into the Town, pursuant to Title 22, Section 101 of the Delaware Code; and

**WHEREAS**, Section 3 of the Town Charter identifies the procedure for annexation; and

**WHEREAS**, pursuant to Section 3 of the Town Charter, a Special Review Committee investigated and reported back to the Mayor and Town Council, and the Mayor and Town Council voted to accept the report and referred the Petition to the Planning & Zoning Commission; and

**WHEREAS**, the Planning & Zoning Commission reviewed the Petition, including the zoning classification requested for the area to be annexed and the requested rezoning for the areas currently in Town, and issued an Advisory Report recommending annexation of the currently unincorporated area with the requested zoning, as well as the rezoning of the area currently in Town; and

**WHEREAS**, the Office of State Planning Coordination has reviewed the Petition, accepted the completed Plan of Services, and confirmed the Town’s completion of all relevant annexation requirements; and

**WHEREAS**, via Resolution 2020-014, the Mayor and Town Council then scheduled a public hearing on the Petition; and

**WHEREAS**, said public hearing was duly noticed and held on September 21, 2020; and

**WHEREAS**, having considered the Petition and public comment, on October 5, 2020, the Mayor and Town Council determined, based on the reasons stated on the record, that the amendments to the Comprehensive Plan and Zoning Map are in accordance with the Comprehensive Plan and promote the health, safety, morals, and general welfare of the Town, and that the Petition should be conditionally accepted via Ordinance No. 2020-008, which included a delayed effective date for purposes of permitting the condition(s) to be met and provide the time period of a petition for referendum to be filed with the Town Manager or designee, pursuant to Section 3(j) of the Town Charter; and

**WHEREAS**, no petition for referendum was filed; and

**WHEREAS**, the Town and Applicant have recently mutually agreed upon an Annexation Agreement and satisfied the condition(s) of Ordinance No. 2020-008, as amended by Ordinance No. 2020-010; and

**WHEREAS**, Section 3(n) of the Town Charter provides in pertinent part, that “[f]ollowing the thirty (30) day hold period to accommodate the filing of a petition, if no petition is filed, and if a favorable vote for annexation shall have been cast, the Mayor and Town Council shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, but in no event shall said recordation be completed more than one-hundred twenty (120) days following the date of the favorable Mayor and Town Council vote” and “[t]he territory considered for annexation shall be considered to be a part of The Town of Milton from the time of recordation;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Town Council of the Town of Milton, that upon receipt of the survey and metes and bounds description from Milton Attainable Housing LLC, and after waiting at least 10 days from the Project’s preliminary site plan approval, the Project Coordinator or designee shall cause the plot and description to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, at which point the Property shall be considered part of the Town.

I, **JAMES GARDE**, Secretary of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Town Council of the Town of Milton at its meeting held on the 15<sup>th</sup> day of December, **2020**, following a duly noticed public hearing, at which a quorum was present and voting throughout and that the same is still in full force and effect.

**TOWN OF MILTON**

BY: James G. Garde

**SECRETARY**

DATE: 12/15/20



**SYNOPSIS**

This Resolution authorizes and directs the Project Coordinator to finalize the annexation by recording the plot and description of the property being annexed.

