

RESOLUTION # 003 -25

RESOLUTION PROPOSING THE ANNEXATION OF 1510 PADDOCK ROAD AND ADJACENT ROADWAYS INTO THE MUNICIPAL LIMITS OF THE TOWN OF SMYRNA; DESIGNATING THE PROPOSED ZONING CLASSIFICATION; SCHEDULING A PUBLIC HEARING; AND REFERRING THE PROPOSAL TO THE TOWN PLANNING COMMISSION

WHEREAS, the municipal charter of the Town of Smyrna empowers the Town to annex additional contiguous territory adjoining the corporate limits of the Town in accordance with the procedures set forth therein, and subject to state laws of general application to municipalities pertaining to annexation of territory;

WHEREAS, the record owners of the hereinafter-described parcel of land (contiguous with the existing corporate limits of the Town) have petitioned the Town, in writing duly executed and acknowledged and otherwise in compliance with the petition requirements set forth in the Town Charter, identifying the purpose of the annexation being to benefit from the Town's services;

WHEREAS, the Town Council has considered such petition and has determined that it would be in the best interests of the health, safety, and welfare of the Town to accept such petition and initiate the proceedings required for annexation as set forth in the Town's municipal charter;

NOW THEREFORE, BE IT HEREBY RESOLVED, by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that:

1. The hereinafter-described territory, contiguous with the existing corporate limits of the Town, is hereby proposed for annexation into the Town of Smyrna:

RECORD OWNER: KRM DEVELOPMENT CORP.

PROPERTY ADDRESS: 1510 Paddock Road
 Smyrna, DE 19977

TAX MAP ID: 1502200086

BRIEF DESCRIPTION:

All that certain lot, piece or parcel of land situate in Blackbird Hundred, New Castle County and State of Delaware, being known as Tract "A", together with right of way, on a Plan of the Lands of Charles Arthur Reihm and Hester Ann Reihm, entitled "Boundary Survey – 1511 Paddock Road", dated February 17-21, 2005, prepared by William A. Carroll, Registered Surveyor, Chestertown, Maryland, as follows, to wit:

Beginning for the same at an iron rod set along the northwesternmost side of Paddock Road, aka Road #30 (60' wide) at the intersection of the herein described parcel of land, being part of the lands of Charles Arthur and Hester Ann Reihm (see Deed Book M 37,

page 333) and the lands of Ronald L. & Glenda A. Burris (see Deed Book 2083, page 292). Said beginning point being located *with the arc of a curve to the left* 200.17 feet from a concrete monument found at the intersection of the division line of the said Ronald L. & Glenda A. Burris lands with the lands of WAW, Inc (see Deed Book 1619, page 257) where the same exists along the aforementioned northwesternmost side of Paddock Road, said curve having a radius of 1,402.39 feet. Said beginning point further being the southwestern most corner of the herein described Tract "A" as shown on a plat entitled "Boundary Survey – 1511 Paddock Road, The Lands of Charles Arthur & Hester Ann Reihm" as prepared by William A. Carroll, Registered Surveyor in February of 2005.

Thence leaving said beginning point so fixed and leaving Paddock Road and binding with the northeastern most outline of the said lands of Ronald L. & Glenda A. Burris and the northeastern most outline of the lands of Ronny's Market, Inc. (see Plat No. 12665);

1. North 27°35'54" West 1,377.37 feet to an iron rod set along the southernmost outline of the lands of the State of Delaware, passing, in transit, a concrete monument found 9.73 feet from the end thereof;

Thence leaving the lands of Ronny's Market, Inc. and binding with the State of Delaware lands

2. North 58°44'50" East 656.76 feet to a concrete monument found at the southwestern most corner of other lands of the State of Delaware (see Deed Book 985, page 321);

Thence leaving the first mentioned lands of the State of Delaware and binding with the southernmost outline of the second mentioned lands of the State of Delaware

3. North 65°11'29" East 345.25 to a point at the northwestern most corner of the lands of Arthur E. Smith (See Deed Book 689, page 182), said point being located South 32°20'10" East 1.2 feet from an iron rod found;

Thence leaving the second mentioned lands of the State of Delaware and binding with the westernmost outline of the lands of Arthur E. Smith

4. South 32°20'10" East 747.43 feet to a point along the aforementioned northernmost side of Paddock Road, passing, in transit, an iron rod found 0.56 feet from the end thereof:

Thence leaving the Arthur E. Smith lands and binding with the northernmost side of Paddock Road the two (2) following courses and distances:

5. South 30°10'18" West 1,080.60 feet to a point of curvature, and

6. With the arc of a curve to the right 168.86 feet to the point and place of beginning, said curve having a radius of 1,402.39 feet and being scribed by a chord of South 33°37'16" West 168.76 feet, containing, in all, 25.779 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 Corridor Commercial (CCM), which is in accordance and consistent with the Town’s Comprehensive Plan.

3. A public hearing to receive public comment for purposes of legislative fact-finding is scheduled for May 19, 2025 at 6:45 p.m. in the Council Chamber of Smyrna Town Hall, 27 S. Market Street Plaza, Smyrna, Delaware. Persons desiring to submit written comments may do so by mailing such comments to: Town of Smyrna, 27 South Market Street Plaza, Smyrna, DE 19977, Attn: Jeremy Rothwell, Planning Director, or by calling 302-389-2332 or emailing comments to jrothwell@smyrna.delaware.gov. To be considered, written comments must be received by the Planning Director before the close of the public hearing. Any individual living in the territory proposed for annexation who would be qualified to vote in an annexation election and who wishes to oppose the annexation must submit a written objection with the Town Manager prior to the close of the public hearing.

4. A copy of this Resolution shall be delivered to the Town Planning Commission as soon as conveniently possible following the adoption hereof for its advisory review and comment; provided that, if the Town Planning Commission does not submit its recommendations and comments back to the Town Council at or prior to the hereinabove-scheduled public hearing, the Town Council may proceed to consider and act upon the proposed annexation without the benefit of the Planning Commission’s recommendations and comments.

5. Public Notice, setting forth the text of this resolution, shall be provided as set forth in Section 3 of the Town Charter.

6. The Town Council hereby places the owners of record of the lands herein proposed for annexation, and all other interested parties, on notice that, if the annexation is finally approved, 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 such municipal services 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 such extensions and/or improvements) which amounts the Town would, upon receipt, rebate to the owner or developer which had originally paid for those extensions and/or improvements.

Adopted by the Town Council of the Town of Smyrna, this 7th day of April, 2025.


Council Secretary


Mayor

EXHIBIT A

