

TAX PARCEL #: 1-00-01900-01-4800-000
PREPARED BY & RETURN TO:
Hudson, Jones, Jaywork & Fisher, LLC (DBE)
225 S. State Street
Dover, DE 19901

**A RESOLUTION APPROVING THE INCLUSION OF 1271 S DUPONT BOULEVARD
(TAX MAP ID: 1-00-01900-01-4800-000) WITHIN THE MUNICIPAL LIMITS OF THE
TOWN OF SMYRNA**

WHEREAS, the Charter of the Town of Smyrna authorizes the Council to extend the Town's boundaries pursuant to procedures outlined in the Charter;

WHEREAS, the Mayor and Council of the Town of Smyrna deem it to be in the best interest of the Town of Smyrna to include the area more particularly described hereinafter within the municipal limits of the Town of Smyrna;

WHEREAS, pursuant to the Town of Smyrna Charter, all owners of record of the land proposed for annexation have petitioned the Town for annexation or consented in writing to the annexation, and no written objection has been received by the Town from a qualified resident of the territory proposed for annexation; and

WHEREAS, pursuant to the terms of the Charter, the Town Council is authorized to vote to accept the proposed annexation and adopt a resolution annexing the said territory and including the same within the limits of the Town of Smyrna.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The following territory situated in Kent County, State of Delaware as more particularly bounded and described by the following description be annexed to and included within the limits of the Town of Smyrna:

All that certain lot(s), piece(s) or parcel(s) of land and premises situated in Kent County, State of Delaware, near the Town of Smyrna, as more particularly described as follows, to wit:

RECORD OWNER: Dr. Alan J. McCarthy
652 Biddle Street
Chesapeake City, MD 21915

PROPERTY ADDRESS: 1271 S. DuPont Boulevard
Smyrna, DE 19977

TAX MAP ID: 1-00-01900-01-4800-000

BRIEF DESCRIPTION:

ALL that certain tract, piece or parcel of land situated in Duck Creek Hundred, Kent County and State of Delaware, lying on the easterly side of U.S. Route 13 and being bounded as follows: On the West by U.S. Route 13 (also known as DuPont Highway); On the North by land now or formerly of Frank Mandarano, Jr. and JoAnn Mandarano, husband and wife in Deed Record U, Volume 37, Page 318; On the East and South by land now or formerly of Carriage Realty Partnership in Deed Record Y, Volume 42, Page 237; Being more particularly described according to a plan prepared by Gerald A. Donovan Associates, Inc. dated March 5, 1996, reference drawing 9619, said plan being an integral part hereof as follows:

BEGINNING at a concrete monument in the easterly line of U.S. Route 13 at a corner for this subject lot and corner for lands of the aforementioned Mandarano. Said point being located when measured from the intersection of the approximate centerline of County Road 12 (also known as the Smyrna-Leipsic Road) with the easterly line of U.S. Route 13, South 06 degrees 34 minutes 00 seconds East a distance of 1975.5 feet to the beginning point. Thence from said beginning point and with lands of the aforementioned Mandarano: North 83 degrees 26 minutes 00 seconds East a distance of 210.00 feet to a concrete monument at a corner for said Mandarano and a corner for lands of the aforementioned Carriage Realty Partnership. Thence with said lands of Carriage Realty Partnership the following two (2) courses and distances: (1) South 06 degrees 34 minutes 00 seconds East a distance of 200.00 feet to an iron pipe; (2) South 83 degrees 26 minutes 00 seconds West a distance of 210.00 feet to a concrete monument at a corner for said lands of Carriage Realty Partnership in the easterly line of U.S. Route 13. Thence with said line of U.S. Route 13: North 06 degrees 34 minutes 00 seconds West a distance of 200.00 feet to the point and place of beginning. Containing within the above-described courses and distances an area of 42,000 +/- square feet or 0.9642 +/- acres. The above-described property is subject to any rights-of-way, easements or restrictions as may be shown or noted in any public records, or any regulation or requirement of any public agency.

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 CCM – Corridor Commercial, which is consistent with the Town’s Comprehensive Plan.

3. A certified copy of the Resolution of Annexation together with a plot of the annexation area shall be forthwith filed for record with the Recorder of Deeds for Kent County.

4. The above-described area so annexed and included within the limits of the Town of Smyrna shall, for all purposes, be a part of the Town of Smyrna beginning with the effective date of this Resolution.

5. The Town Council hereby places the owners of record of the lands herein, and all other interested parties, on notice that the Town shall not be obligated to provide or extend any

EXHIBIT A

