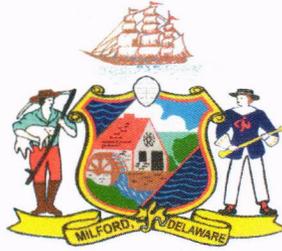


City of Milford



Agenda *City Council Committee Meeting*

Joseph Ronnie Rogers Council Chambers-Milford City Hall
201 South Walnut Street, Milford, Delaware

ANNEXATION COMMITTEE

November 23, 2015

6:30 p.m.

Call to Order - Chair Katrina Wilson

Annexation/Lands belonging to Mispillion Realty LLC

Tax Parcel No. 1-30-3.00-80.02

1.99 +/- Acres

Current Zone M-R/Proposed Zone R-3

Advantages and Disadvantages

Recommendation

Adjourn

**SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT
NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE
ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.**



Land Use Application Cover Sheet

File Name: Brookstone Trace

Date Stamp

File Number: 11-156

Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

Specify Type of Land Use Application to be submitted (check all that apply):

- Preliminary Site Plan
- Preliminary Major Subdivision
- Final Minor Subdivision
- Final Site Plan
- Final Major Subdivision
- Variance/Appeal
- Change of Zone
- Conditional Use
- Annexation

Please Type or Print Legibly

Property Owner: <u>MISPELLION REALTY, LLC</u>			Phone: <u>422 1850</u>
Address: <u>715 S. DuPont Hwy</u>			Cell: <u>422 2280</u>
City: <u>MILFORD</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax: <u>422 8020</u>
E-Mail: <u>jami@nasterrealty.com</u>			
Applicant Name and Company: <u>SAME AS ABOVE</u>			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Surveyor or Engineer: <u>BOB NASH</u>			Phone: <u>422 - 7327</u>
Address: <u>PO BOX 280</u>			Cell:
City: <u>MILFORD</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax:
E-Mail: <u>bob.nash@merestoneconsultants.com</u>			
Site Address: <u>E/SD STANWEE RD; S/SD FIELDSTONE AVENUE</u>			Zoning: <u>Proposed R-3</u>
Tax Map & Parcel Number (s): <u>1-30-3.00-80.02</u>			Acreage: <u>2.07 1.99 +/-</u>
Brief Description of Proposal: <u>REQUEST TO ANNEX PARCEL SO IT CAN BE COMBINED INTO THE ADJACENT BROOKSTONE TRACE SUBD.</u>			
I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge.			
Signature of Property Owner: <u>[Signature]</u>			Date: <u>10/7/14</u>
Signature of Applicant: <u>[Signature]</u>			Date: <u>10/7/14</u>

REVISED: 01.2014



Annexation Application

File Name: Brookstone Place

Date Stamp

File Number: 11-156

A Land Use Application for Annexation is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

Current County Zoning: AR
MR

Requested Zoning: R-3

Comprehensive Plan Designation: MOD DSN RES

REQUIRED ITEMS		For Staff Use ONLY	
		Verified	Waived
<input checked="" type="checkbox"/>	1. Land Use Application Cover Sheet.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	2. Petition for annexation, signed by ALL property owners with signature of each petitioner duly witnessed; petition must contain:	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	A. Site address;	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	B. Tax map number (s);	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	C. Size of property in acres;	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	D. Reasons for request;	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	E. General location description (proximity to closest roadways, streets and intersections).	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	3. A full legal description of the property in Word format.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	4. Current recorded deed showing legal description and ownership.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	5. Current sealed survey (no larger than 11" x 17"), drawn to scale, showing:	<input checked="" type="checkbox"/>	
	A. Property identified for annexation which clearly shows the parcel(s) and demonstrates contiguity to the City;	<input checked="" type="checkbox"/>	
	B. Date, scale and north arrow;	<input checked="" type="checkbox"/>	
	C. Existing right-of-ways and improvements;	<input checked="" type="checkbox"/>	
	D. Existing utilities;	<input checked="" type="checkbox"/>	
	E. Existing natural features;	<input checked="" type="checkbox"/>	
	F. Existing structures and other improvements;	<input checked="" type="checkbox"/>	
	G. All structures, natural features and other improvements on abutting property.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	6. Application fee (see page 2).	<input checked="" type="checkbox"/>	

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Property Owner: John Steell Date: 10/7/14
 Signature of Applicant: John Steell Date: 10/7/14

FOR STAFF USE ONLY			
City Council	Annexation Committee	Planning Commission	City Council
Applicant			
Owner			

REVISED: 01.2014

Mispiration Realty, LLC

715 S. Dupont Hwy
Milford, DE. 19963

October 29, 2015

City of Milford Planning & Zoning
c/o Christine Crouch
201 South Walnut Street
Milford, Delaware 19963

RE: Request For Annexation

Property Address: Vacant Lot Adjacent to Brookstone Trace,
Near Old Shawnee Road, Milford, Delaware 19963
Owner: Mispiration Realty, LLC
Tax Parcel # 1-30-3.00-80.02 - 2.0 +/- Acres

Dear Christine,

Please accept this letter as my request for annexation on the above 2 acre parcel. This parcel is located next to Brookstone Trace, a townhouse project located within the City limits. This is the same parcel that I requested the comprehensive plan amendment (to moderate density residential) on last year that the City approved. The Brookstone subdivision is zoned R-3 so I request that this parcel have the same possibilities so I am requesting the R-3 zoning. I plan to design the site for comparable development in the near future which I believe will be an asset to the community.

Thank you in advance for your consideration. Please feel free to call me with any questions or clarifications, if necessary.

Sincerely,



James J. Masten, Owner
Mispiration Realty, LLC
302-422-1850



Witness

TAX MAP NO: 1-30-3.00-80.02

PREPARED BY AND

RETURN TO: WALTER G. FEINDT, P.A.
P.O. Box 1184
Milford, De. 19963

THIS DEED, made this *29th* day of August, 2013, BETWEEN **BRIAN T. WARNOCK**, 6097 Old Shawnee Road, Milford, Delaware 19963, Party of the first part, -AND- **MISPILLION REALTY, LLC**, a Delaware Limited Liability Company, 715 South Dupont Highway, Milford, DE 19963, Party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, current lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, its successors and assigns,

ALL that certain parcel of land located in Cedar Creek Hundred, Sussex County, Delaware located southeasterly of but not adjacent to the southeasterly right of way of Shawnee Road (#619) a short distance north of Betty Street, and being more particularly described by AKS Associates, Inc. on February 11, 2002 as follows:

COMMENCING at the intersection of the centerline of Betty Street and the southeasterly right of way of Shawnee Road (#619); thence northeasterly with Shawnee Road 149.5 feet to an iron pipe found; thence South 56 degrees 19 minutes 48 seconds East 308.79 feet to an iron pipe found, the Point of Beginning; thence North 34 degrees 48 minutes 25 seconds East 190.02 feet to a nail set at the base of a cedar tree; thence South 56 degrees 45 minutes 00 seconds East 225.92 feet to a concrete monument found; thence South 33 degrees 58 minutes 12 seconds West 191.64 feet to a concrete monument found; thence North 56 degrees 19 minutes 48 seconds West 228.68 feet to the point of beginning; containing 43,368 square feet of land.

BEING part of (Parcel 2) the same lands conveyed unto **BRIAN T. WARNOCK** by deed of **FRANK J. KOVACH** and **JAN W. KOVACH**, dated March 22, 2002 and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Deed Book **2689**, at Page 51.

MS
FD

5

50518

BK: 4214 PG: 135

TAX MAP NO: p/o 1-30-3.00-79.00

PREPARED BY AND
RETURN TO: WALTER G. FEINDT, P.A.
P.O. Box 1184
Milford, De. 19963

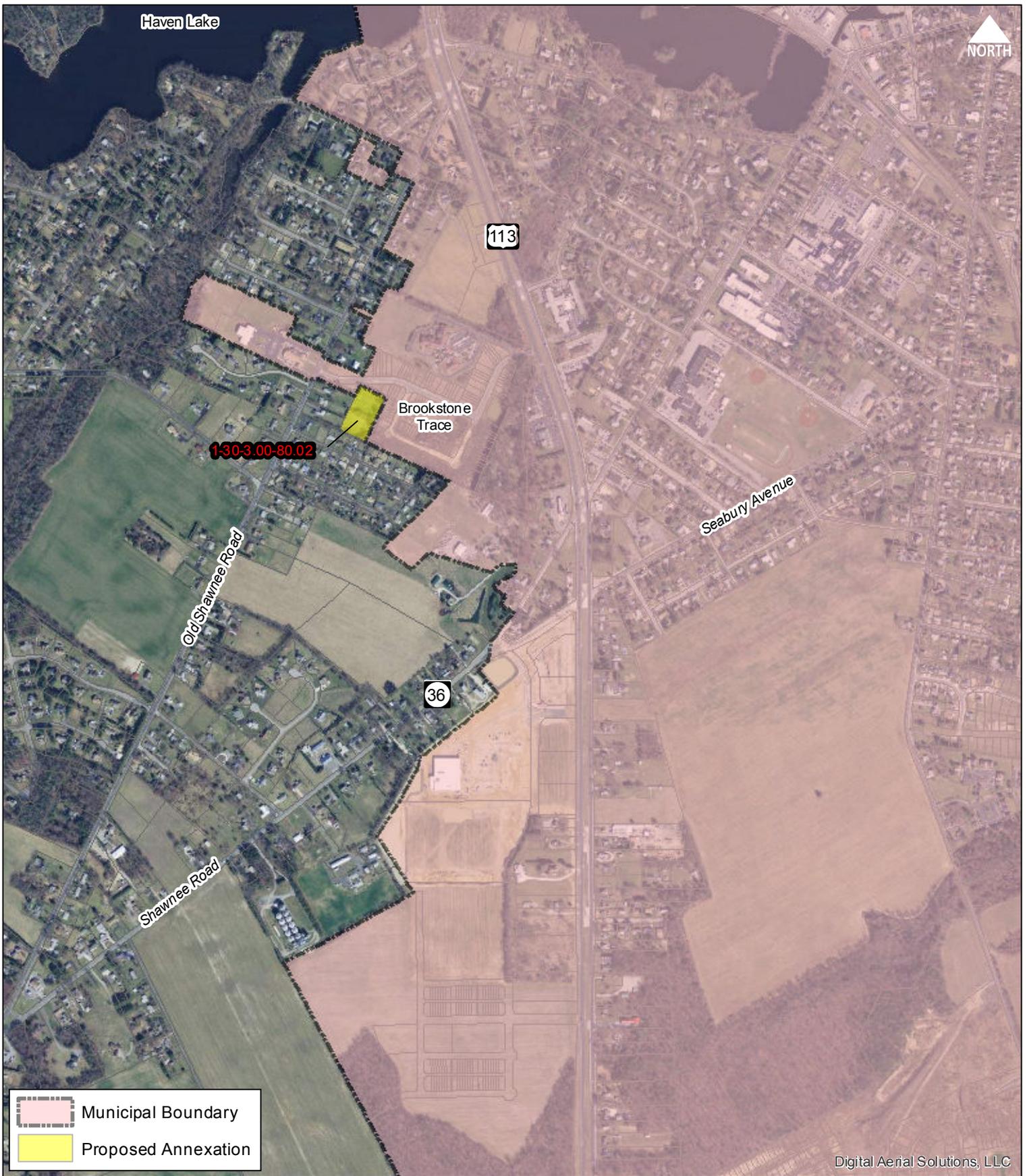
THIS DEED, made this *31st* day of December, 2013, BETWEEN **FRANK EMMI, JR.** and **FRANK EMMI, SR.**, Parties of the first part, -AND- **MISPILLION REALTY, LLC**, a Delaware Limited Liability Company, 715 South DuPont Highway, Milford, Delaware 19963, Party of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, current lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, its successors and assigns,

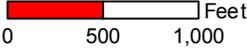
All that certain lot, piece and parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 31 August 2013, last revised 30 September 2013, east of but not adjacent to the easterly right of way line of Shawnee Road, also known as SCR 619, at sixty (60) feet wide, adjoining other lands now or formerly of Frank Emmi, Jr., lands now or formerly of Brookstone Trace Subdivision and lands now or formerly of Brian T. Warnock, being more particularly described as follows, to wit:

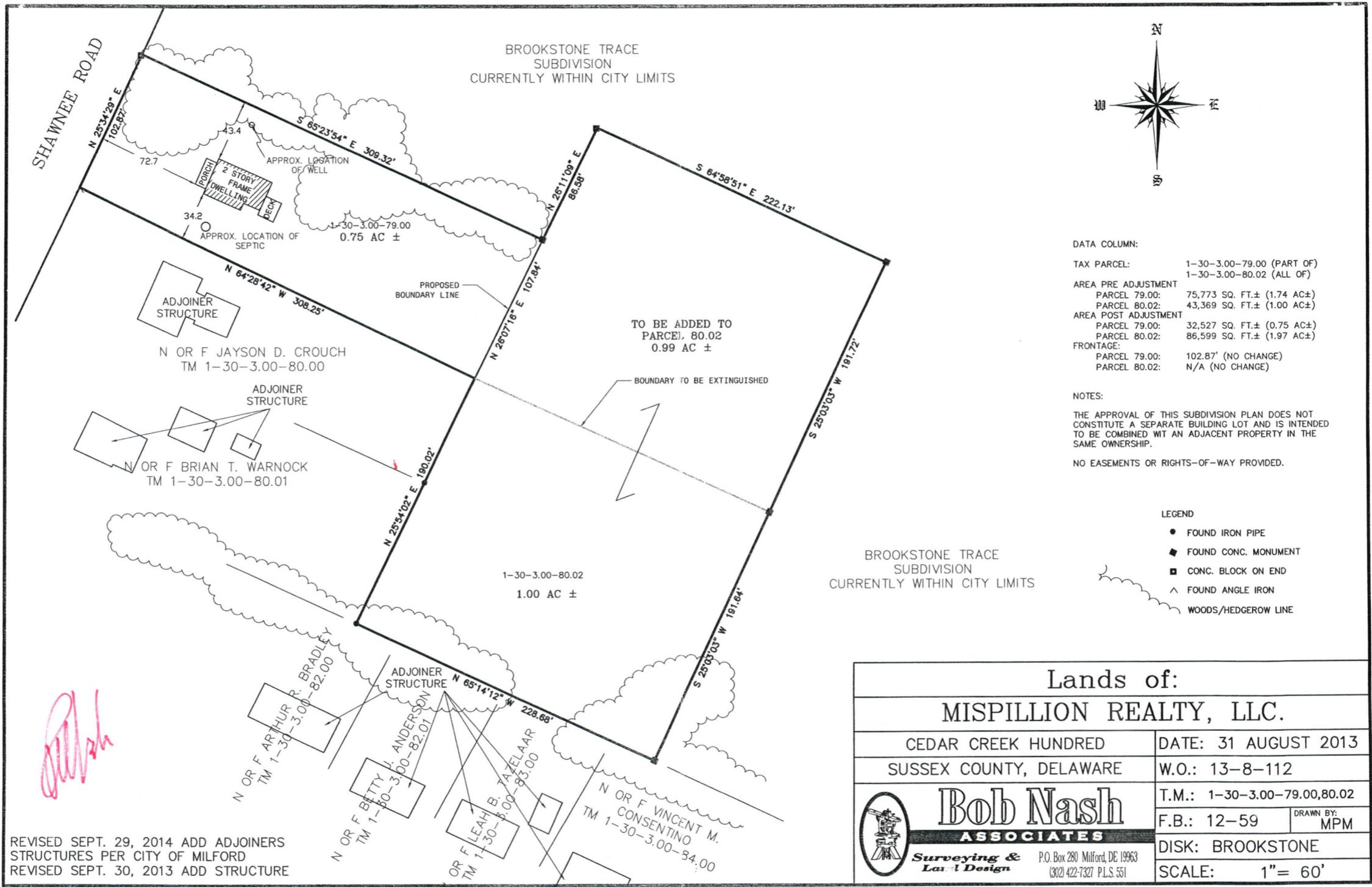
BEGINNING at a corner for other lands now or formerly of Frank Emmi, Jr., and at a corner for lands now or formerly of Brian T. Warnock, said point being distant 300 feet more or less from the centerline of Betty Street and 308 feet, more or less, from the right of way line of Shawnee Road; thence proceeding with said Emmi lands North 26 degrees 07 minutes 16 seconds East 107.84 feet to a found concrete monument at a corner for lands known as Brookstone Trace Subdivision; thence proceeding with said Brookstone Trace Subdivision the following three courses and distances: (1) North 26 degrees 11 minutes 09 seconds East 86.58 feet to a found concrete block on end; (2) South 64 degrees 58 minutes 51 seconds East 222.13 feet to a found concrete monument and (3) South 25 degrees 03 minutes 03 seconds West 191.72 feet to a found concrete monument at corner for lands now or formerly of Brian T. Warnock; thence finally, running with said Warnock lands North 65 degrees 39 minutes 23 seconds West 225.88 feet to the place of beginning, containing .99 acres of land, more or less.

CR



Digital Aerial Solutions, LLC

	Scale:  Feet 0 500 1,000	Title: Proposed Annexation: Mispillion Realty, LLC Location Map
	Drawn by: WRP Date: 07/01/15	
Filepath: Z:\GIS\GEO_PROJECT\Annexation_MispillionRealty.mxd		



DATA COLUMN:

TAX PARCEL:	1-30-3.00-79.00 (PART OF)
	1-30-3.00-80.02 (ALL OF)
AREA PRE ADJUSTMENT	
PARCEL 79.00:	75,773 SQ. FT.± (1.74 AC±)
PARCEL 80.02:	43,369 SQ. FT.± (1.00 AC±)
AREA POST ADJUSTMENT	
PARCEL 79.00:	32,527 SQ. FT.± (0.75 AC±)
PARCEL 80.02:	86,599 SQ. FT.± (1.97 AC±)
FRONTAGE:	
PARCEL 79.00:	102.87' (NO CHANGE)
PARCEL 80.02:	N/A (NO CHANGE)

NOTES:

THE APPROVAL OF THIS SUBDIVISION PLAN DOES NOT CONSTITUTE A SEPARATE BUILDING LOT AND IS INTENDED TO BE COMBINED WITH AN ADJACENT PROPERTY IN THE SAME OWNERSHIP.

NO EASEMENTS OR RIGHTS-OF-WAY PROVIDED.

- LEGEND
- FOUND IRON PIPE
 - ◆ FOUND CONC. MONUMENT
 - CONC. BLOCK ON END
 - ^ FOUND ANGLE IRON
 - ☁ WOODS/HEDGEROW LINE

BROOKSTONE TRACE
SUBDIVISION
CURRENTLY WITHIN CITY LIMITS

Lands of:	
MISPILLION REALTY, LLC.	
CEDAR CREEK HUNDRED	DATE: 31 AUGUST 2013
SUSSEX COUNTY, DELAWARE	W.O.: 13-8-112
 Bob Nash ASSOCIATES <i>Surveying & Land Design</i>	T.M.: 1-30-3.00-79.00,80.02
	F.B.: 12-59
DRAWN BY: MPM	
DISK: BROOKSTONE	
SCALE: 1" = 60'	

REVISED SEPT. 29, 2014 ADD ADJOINERS
STRUCTURES PER CITY OF MILFORD
REVISED SEPT. 30, 2013 ADD STRUCTURE

[Handwritten signature]

City of Milford

RESOLUTION 2015-33

Annexation/Lands belonging to Mispillion Realty LLC

Tax Parcel No. 1-30-3.00-80.02

1.99 +/- Acres

Current Zone M-R/Proposed Zone R-3

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owner and duly witnessed, requesting annexation into the City of Milford, situated east of Old Shawnee Road (CR 619) and south of Fieldstone Avenue, legally described as follows:

All that certain lot, piece and parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated August 2013, last revised 30 September 2013, east of but not adjacent to the easterly right of way line of Shawnee Road, also known as SCR 619, at sixty (60) feet wide, adjoining other lands now or formerly of Frank Emmi, Jr., lands now or formerly of Brookstone Trace Subdivision, lands now or formerly of Brian T. Warnock, lands now or formerly of Jayson D. Crouch, lands now or formerly Vincent M. Consentino, lands now or formerly of Leah B. Tazelaar, lands now or formerly of Betty J. Anderson and lands now or formerly of Arthur R. Bradley, being more particularly described as follows, to wit:

BEGINNING at a corner for other lands now or formerly of Frank Emmi, Jr., and at a corner for lands now or formerly of Jayson D. Crouch, said point being distant 300 feet more or less from the centerline of Betty Street and 308 feet, more or less, from the right of way line of Shawnee Road; thence proceeding with said Emmi lands North 26 degrees 07 minutes 16 seconds East 107.84 feet to a found concrete monument at a corner for lands known as Brookstone Trace Subdivision; thence proceeding with said Brookstone Trace Subdivision the following four courses and distances: (1) North 26 degrees 11 minutes 09 seconds East 86.58 feet to a found concrete block on end; (2) South 64 degrees 58 minutes 51 seconds East 222.13 feet to a found concrete monument and (3) South 25 degrees 03 minutes 03 seconds West 191.72 feet to a found concrete monument at corner for lands now or formerly of Brian T. Warnock; (4) South 25 degrees 03 minutes 03 seconds West 191.64 feet to a found concrete monument at a point in the line of Vincent M. Consentino; thence following lands of said Consentino and in part with lands now or formerly of Leah B. Tazelaar, Betty J. Anderson and Arthur R. Bradley, North 65 degrees 14 minutes 12 seconds West 228.68 feet to a found iron pipe at a corner for lands of Brian T. Warnock; thence finally running with lands now or formerly of said Warnock and Jayson D. Crouch, North 25 degrees 54 minutes 02 seconds East 190.02 feet to the place of beginning, containing 1.99 acres of land, more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Katrina Wilson, Douglas Morrow, James Burk and Planning Commission Chairman Archie Campbell.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

NOW, THEREFORE, I, Teresa K. Hudson, City Clerk of the City of Milford, do hereby certify that the foregoing resolution was duly and regularly adopted by the City Council of the City of Milford at a Council Meeting held the 9th day of November 2015 by a majority vote.



City Clerk