

City of Milford



City Council Committee Agenda

Milford City Hall Council Chambers
201 South Walnut Street
Milford, DE 19963

Annexation Committee Meeting

May 8, 2017

Immediately Following Council Meeting

Call to Order - Councilwoman Katrina Wilson

Annexation/Lands belonging to Patrick F. & Jacquelyn A. Gorman

7255 Cedar Creek Road, Lincoln, DE 19960

Tax Parcel No. 3-30-15.00-72.00

2.095 +/- Acres

Current Zone A-R/Proposed Zone C-3

Annexation/Lands belonging to Walter V. Jr. & Barbara L. Samuels

7237 Cedar Creek Road, Lincoln, DE 19960

Tax Parcel No. 3-30-11.00-6.04

1.005 +/- Acres

Current Zone AR-1/Proposed Zone C-3

Adjourn

This agenda may be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

**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.**



Annexation Application

File Name: Gaman
 File Number: _____

Date Stamp

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 Requested Zoning: C-3 Comprehensive Plan Designation: Comm

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"/>	
	A. Site address;	<input checked="" type="checkbox"/>	
	B. Tax map number (s);	<input checked="" type="checkbox"/>	
	C. Size of property in acres;	<input checked="" type="checkbox"/>	
	D. Reasons for request;	<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: Patricia F. Gorman Date: 2/20/2017
 Signature of Applicant: Patricia F. Gorman Date: 2/20/2017

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

REVISED: 01.2014

PETITION FOR ANNEXATION, CITY OF MILFORD, DE

- A. Site Address: 7255 Cedar Creek Rd., Lincoln, DE 19960
- B. Tax Map Number: 3-30-15.00-72.00
- C. Property Size: 2.095 Acres
- D. Reason For Request: This property falls within the Milford Comprehensive Plan, (Figure 14B-Southeast) with Future Land Use described as "Proposed Highway/Commercial". Adjacent property on the East and South sides has been annexed by the City of Milford. Current owners of the subject property at 7255 Cedar Creek Rd., Patrick and Jacquelyn Gorman, request annexation and zoning reclassification to be consistent with the Comprehensive Plan.
- E. General Location Description: Subject property is located approximately 870 +/- feet south of the intersection of Cedar Creek Road (Rt 30) and Wilkins Road along the east side of Cedar Creek Road, in Cedar Creek Hundred. The property has approximately 250 feet of frontage on Cedar Creek Road.

Patrick J. Gorman
Property Owner

2-3-17
Date

Jacquelyn Gorman
Property Owner

2.3.17
Date

Ashley D. Coffman
Notary

2-3-17
Date





Land Use Application Cover Sheet

File Name: Gorman

Date Stamp

File Number: _____

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(s): <u>Patrick + Jacquelyn Gorman</u>			Phone: <u>302-245-0634</u>
Address: <u>119 Wyndview Dr.</u>			Cell:
City: <u>Lynchburg</u>	State: <u>VA</u>	Zip: <u>24502</u>	Fax:
E-Mail: <u>pgorman4337@gmail.com</u>			

Applicant Name and Company: <u>Same as above</u>			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			

Surveyor or Engineer: <u>Merestone Consultants, Inc.</u>			Phone: <u>302-226-5880</u>
Address: <u>33516 Crossing Ave, Unit 1</u>			Cell:
City: <u>Lewes</u>	State: <u>DE</u>	Zip: <u>19958</u>	Fax:
E-Mail:			

Site Address: <u>7255 Cedar Creek Rd, Lincoln, DE 19960</u>	Zoning:
Tax Map & Parcel Number(s): <u>3-30-15.00-72.00</u>	Acreage: <u>2.095 Acres</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(s): <u>Patrick + Jacquelyn Gorman</u>	Date: <u>2.3.17</u>
Signature of Applicant(s): <u>Jacquelyn Gorman + Patrick Gorman</u>	Date: <u>2.3.17</u>

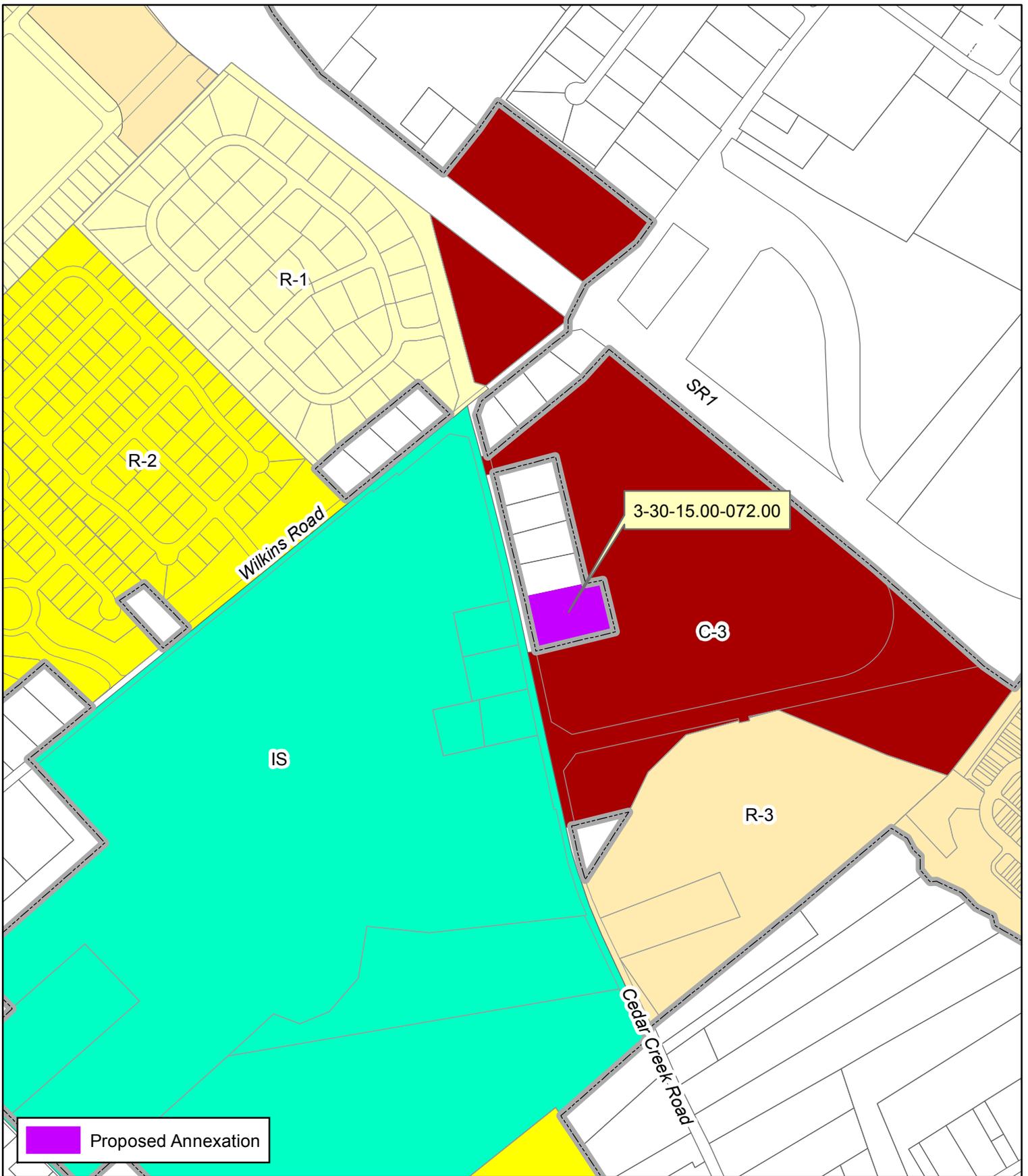
Office Use Only:

- Current on Utilities
- Current on Taxes
- No Outstanding Violations

201 South Walnut Street – Milford, DE 19963
 Phone: 302.424.3712 Fax: 302.424.3558 www.cityofmilford.com

ASHLEY DEFFMAN 05.2016
 NOTARY PUBLIC
 REGISTRATION # 7283008
 COMMONWEALTH OF VIRGINIA
 MY COMMISSION EXPIRES
02/31/2017

[Handwritten signature] 2/3/17



 Proposed Annexation



Scale:  Feet
0 300 600

Drawn by: WRP Date: 03/10/17

Title:

Annexation
Lands of Patrick Jacquelyn Gorman
Location & Zoning Map

Filepath: Annexation_Gorman.mxd

2846

BOOK 1630 PAGE 62

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the SMALL BUSINESS ADMINISTRATION by its ADMINISTRATOR, Grantor

to

Patrick F. Gorman and Jacquelyn A. Gorman, Grantees, as tenants by the entireties.

THIS INDENTURE, made the 14th day of February, One Thousand Nine Hundred and Eighty Nine (1989), between the Administrator of the Small Business Administration, Philadelphia District Office, Allendale Square, 475 Allendale Road, Suite 201, King of Prussia, PA 19406, Grantor, and Patrick F. Gorman and Jacquelyn A. Gorman, 513 Parson Thorne Apts., Milford, DE 19963, Grantees.

WITNESSETH, that the Grantor, in consideration of Eighty Nine Thousand Five Hundred Dollars (\$89,500.00) in hand paid, the receipt whereof is hereby acknowledged, does hereby RELEASE AND QUIT CLAIM to the Grantees,

ALL that certain lot, piece and parcel of land, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, fronting on the easterly side of the 60 foot wide right of way of State Route 30, adjoining lands of Francis A. Webb, IV, and more particularly described as follows, to wit:

BEGINNING at an iron pipe on the easterly right of way line of State Route 30, said pipe being distant, on a bearing of South 01 degrees 48 minutes 16 seconds East, 687.83 feet from an iron pipe at the southwesterly corner of

.00

0

TR-EX

2/14/89

1347 333

↓ legal description of property.

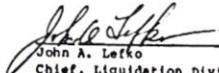
-2-

lands of James W. Thawley, Sr.; thence proceeding with lands of Francis A. Webb, IV, the following 3 courses and distances; (1)North 87 degrees 07 minutes East 375.00 feet to an iron pipe; (2)South 02 degrees 53 minutes East 250.00 feet to an iron pipe and (3)South 87 degrees 07 minutes West 375.00 feet to an iron pipe on aforementioned right of way line of State Route 30; thence finally following said right of way line North 02 degrees 53 minutes West 250.00 feet to the place of beginning; containing 2.1522 acres of land, more or less.

AND BEING the same lands and premises conveyed unto the Administrator, U.S. Small Business Administration, by deed of William J. Jones, Sheriff of Sussex County, bearing date of January 11, 1988 and recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware, in Book 1542 at Page 299.

TO HAVE AND TO HOLD, the above-mentioned and described premises, with the appurtenances unto the said Grantee and their heirs and assigns forever.

IN WITNESS WHEREOF, the ADMINISTRATOR of the Small Business Administration has caused this instrument to be executed by the undersigned under the Delegations of Authority contained in 13 C.F.R. §101, et seq.


John A. Letko
Chief, Liquidation Division
Small Business Administration

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Montgomery

On this the 15th day of February 1989, before me

the undersigned a Notary Public in and of the County and State, on this day personally appeared John A. Hefner known to me to be John A. Hefner Chief, Liquidation Division, King of Prussia Office of the Small Business Administration to be the person whose name is subscribed to the foregoing instrument and he/she acknowledged to me that the same was the act of the Administrator of the Small Business Administration and that he/she executed the same as the free act and deed of the Administrator of the Small Business Administration for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN under my hand and official seal of office this 13th day of February, 1989.

Patricia A. Conley
Notary Public

NOTARIAL SEAL
PATRICIA A. CONLEY, Notary Public
Lower Merion Twp., Montgomery Co.
My Commission Expires March 23, 1992



C. RUSSELL MCCABE
DOC. SURCHARGE PARD
1989 FEB 14 PM 3:41
RECORDED OF DEEDS
SUSSEX COUNTY

PURCHASERS REPORT
MADE THIS DATE
FEB 15 1989
ASSESSMENT DIVISION
OF SUSSEX CTY.

Walter Lewndt, AHA
02-23-89

TO: Mayor Bryan Shupe & City of Milford Council Members

FROM: Annexation Committee

DATE: May 8, 2017

RE: Annexation Committee Report

A public meeting was held in Council Chambers on May 8, 2017 to consider the annexation request for lands described as:

Property Owner:	Patrick & Jacquelyn Gorman
Location:	7255 Cedar Creek Road
Size:	2.095 +/- acres
Existing Zoning:	AR-1 – Agricultural Residential (Sussex County)
Proposed Zoning:	C-3 (Highway/Commercial District)
Tax Map and Parcel Number:	3-30-15.00-072.00

APPLICANT

A petition by the property owners was submitted on March 9, 2017 to annex 2.095 +/- acres into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcels 3-30-15.00-072.00 and would be located in the 1st Ward of the City of Milford. The property is located along Cedar Creek Road, south of the Wilkins Road intersection. The property is currently improved with a single-family detached dwelling unit.

STREETS

The property currently has an entrance along Cedar Creek Road. Any commercial development would gain access from Cedar Creek Road or through the Hall property to the east. Internal drive aisles and parking areas associated with a commercial site plan would not be maintained by the City and would be private.

DRAINAGE

Any development of this parcel will be subject to DNREC storm-water regulations and the developer would be required to obtain any and all permits from the Sussex Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned AR-1 in Sussex County under the Sussex County Zoning Ordinance. The applicant requests the property to be zoned C-3 (Highway/Commercial District) under the City of Milford's Zoning Ordinance.

SEWER

The property is currently served by an individual septic system. The owner will be allowed to continue the use of this onsite system until such time that sewer becomes technically available. Any residential or commercial redevelopment will require the connection to City sewer at the expense of the property owner/developer. The property would be served by the planned southeast regional pumping station. Additional fees, including County and City impact fees, will be required at time of development.

WATER

The property is currently served by an onsite well. The owner will be allowed to continue the use of the onsite well until such time that water becomes technically available. Any residential or commercial redevelopment of the property will require the connection to City water at the expense of the property owner/developer. The area will be served with a water main extension from existing infrastructure in the southeast neighborhood. Additional fees, including City impact fees, will be required through the individual lot permitting.

ELECTRIC

The property is currently provided electric service by the Delaware Electric Cooperative. The owner will continue to use the services of the DEC until such time the property is redeveloped for residential or commercial purposes. Costs of the improvements needed to provide electric service to the property shall be the responsibility of the owner. Additional fees, including City impact fees, will be required through the building permitting and site plan process.

UTILITY AGREEMENT

A utility agreement regarding all infrastructure costs will be required as part of the major subdivision or site plan approval process.

TRAFFIC

Any development of these parcels will be subject to DelDOT approval for access along Cedar Creek Road. There are no anticipated traffic impacts associated with this annexation request.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Environmental Navigator website, the property does not contain state mapped wetlands. Also, the property is not located within an excellent groundwater recharge area nor is it located within the 100-year floodplain.

AREA LAND USES

The parcel is bound on the north by residential properties that are currently in the unincorporated area of Sussex County. The property to the south and west is undeveloped land within City limits that is zoned C-3 Highway Commercial. The property to the west, across Cedar Creek Road, is zoned IS (Institutional Service District) and is currently being developed as a regional health campus by Bayhealth.

FIRE AND POLICE

The Carlisle Fire Dept. will provide fire and EMS coverage to this area. The City will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the amended 2008 Comprehensive Plan and SE Master Plan Future Land Use exhibits is designated as Highway/Commercial.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

It is anticipated that the property taxes, after development, will increase on this property and the City would benefit from the revenues received from building permits. Construction costs as well as user service fees cannot be determined at this time, as the applicant has not proposed a project to assess.

ADVANTAGES TO THE CITY

- 1. The property would be within the planning area of the City of Milford.
- 2. The City would receive revenues (property tax, building permits, etc.) for activity on the property.
- 3. Potential for additional water, sewer and electric customers.
- 4. Identified within the annexation as shown on the SE Master Plan and 2008 Comprehensive Plan.
- 5. Consistent with the Comprehensive Plan Future Land Use exhibits.

DISADVANTAGES TO THE CITY

- 1. None.

RECOMMENDATION

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

- 1. Annexation is consistent with the “Comprehensive Land Use Plan” and “SE Master Plan”.
- 2. Property is contiguous to existing City Limits.
- 3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
- 4. Property will be served by City Electric (future development), Sewer, and Water. At present, these utilities are not available, but the property owner shall be responsible for any expenses associated with extension to the property.
- 5. The annexation will benefit the City through additional revenues, including property taxes.
- 6. An executed Annexation Agreement is required prior to final City Council approval.
- 7. Upon approval of the annexation committee report, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: C-3 (Highway Commercial)

Council Representative/Committee Chairman

Date

Council Representative

Date

Council Representative

Date

Planning Commission Chairman

Date



Annexation Application

File Name: Samuels, Walter & Barbara

Date Stamp

File Number: 17-008

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-1 Requested Zoning: C-3 Comprehensive Plan Designation: Comm.

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

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: Barbara L. Samuels Date: 4/25/17
 Signature of Applicant: Walter Samuels Jr Date: 4/25/17
Barbara L. Samuels Date: 4/25/17

FOR STAFF USE ONLY

City Council	Annexation Committee	Planning Commission	City Council
Applicant			
Owner			

REVISED: 01.2014

Merestone Consultants, Inc.
Legal Description
8 February 2017

Project: 7237 Cedar Creek Road
Project No.: 23840N

Description of Property situate in Cedar Creek Hundred, Sussex County, State of Delaware, being 7237 Cedar Creek Road, as shown on a Boundary Survey Plan prepared by Merestone Consultants, dated 27 December 2017, said Property being more particularly bounded and described as follows, to wit: 16

Beginning at a rebar set on the northeasterly right of way line of Cedar Creek Road, at 80 feet wide, a common corner of the lands of, now or formerly, Frederick A. Duffy and Delema M. Duffy, point being located 720 feet more or less from the southerly right of way line of Wilkins Road ;

Thence leaving Cedar Creek Road and following said lands of Duffy North $86^{\circ}17'13''$ East, 287.52 feet, to a found iron pipe, a corner of lands, now or formerly, of Nelson W. Hall Trustee;

Thence along the lands of Nelson W. Hall Trustee, South $04^{\circ}19'49''$ East, 153.54 feet, to a found iron pipe, a corner of lands, now or formerly, of Patrick F. Gorman and Jacquelyn A. Gorman;

Thence along said lands of Gorman, South $86^{\circ}57'44''$ West, 290.00 feet, to a rebar set on the northeasterly side of Cedar Creek Road;

Thence along said Cedar Creek Road by a curve to the left having a radius of 13,917.35 feet an arc distance of 150.12 feet (chord equivalent: North $03^{\circ}24'14''$ West, 150.12 feet) to the first mentioned point and place of Beginning...

Containing within the said described metes and bounds 1.005 Acres of land.

Prepared DTG Checked by: Michael J. Early, DE PLS 504

TAX PARCEL NO: 8-30-11-6
PREPARED BY: WALTER G. FEINDT
P.O. BOX 1184
MILFORD, DE. 19963

5750

BOOK 1776 PAGE 123

INDIVIDUAL DEED—Typewriter
Sold by YOUNG & REVEL Inc. Stationers
MILFORD, DELAWARE

This Deed, MADE THE

8th day of April

in the year of our LORD,

one thousand nine hundred and ninety one

Between

FRANCIS A. WEBB, IV and MARY LOU WEBB,
R.D. #1, Box 96, Lincoln, Delaware 19960
parties of the first part,

-AND-

WALTER V. SAMUELS, JR. and BARBARA L. SAMUELS, his wife,
901 E. Slocomb, Philadelphia, Pa. 19150
parties of the second part,

Witnesseth,

That the said parties

of the first part, for and in consider-

ation of the sum of TEN DOLLARS (\$10.00)

lawful money of the United States of America,

the receipt whereof is hereby acknowledged, hereby grant

and convey

unto

the said parties of the second part.

All, that certain lot, piece and parcel of land, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, fronting on the easterly side of the 60 foot wide right-of-way of State Route 30, adjoining lands now or formerly of grantors, other lands of grantors and lands of Brown P. Thawley, Jr., and more particularly described as follows, to wit:
BEGINNING at an iron pipe set on the easterly right-of-way line of State Route 30 at a corner of lands now or formerly of grantors and distant, on a bearing of South 07 degrees 22 minutes 57 seconds East 781.21 feet from the point at which the centerlines of County Road 206 and State Route 30 intersect; thence proceeding with said lands now or formerly of grantors North 86 degrees 17 minutes 13 seconds East 297.52 feet to an iron pipe set on line of other lands of grantors; thence running with said other lands of grantors South 04 degrees 19 minutes 49 seconds East, 153.54 feet to an iron pipe set on line of lands of Brown P. Thawley, Jr.; thence running with said Thawley lands South 86 degrees 57 minutes 44 seconds West 300.00 feet to an iron pipe found on aforementioned right-of-way line of State Route 30; thence finally following said right-of-way line and deflecting left along a 13,907.52 foot radius curve, the chord of which bears North 03 degrees 24 minutes 14 seconds West 150.00 feet an arc distance of 150.00 feet to the place of beginning; containing 1.04 acres of land, more or less.

BEING part of the same lands conveyed unto FRANCIS A. WEBB, IV and MARY LOU WEBB by deed of MARY SUE PAQUETTE and L. FRANK PAQUETTE, JR., dated 8/30/79 and recorded in Sussex County Deed Book 969, at Page 165.

THIS CONVEYANCE is made subject to the following restrictions.

1. Any ranch style or one story residence constructed on the lot shall have a minimum of 2,000 square feet of living space.
2. Any two story residence constructed on the lot shall have a minimum of 2,250 square feet of living space.

0177 04-12-91 18000

6947 333 4/12/91 TR-TX CD 360.00

PP

In Witness Whereof, The said parties of the first part have hereunto set their hand and seal, the day and year aforesaid.

SEALED AND DELIVERED

in the presence of

Walter G. Feindt
(Seal)

Francis A. Webb IV (Seal)
FRANCIS A. WEBB, IV

Mary Lou Webb (Seal)
MARY LOU WEBB

_____ (Seal)
_____ (Seal)

PURCHASERS REPORT
MADE THIS DATE

APR 15 1991

ASSESSMENT DIVISION
OF SUSSEX CTY.

State of Delaware, }
SUSSEX County. } ss.

Be It Remembered, that on this _____ day of April _____ in the year of our Lord one thousand nine hundred and ninety one _____ personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, FRANCIS A. WEBB, IV and MARY LOU WEBB,

Parties to this Indenture, known to me personally to be such, and they did acknowledge this Indenture to be their Deed.

GIVEN under my hand and Seal of Office, the day and year aforesaid

Walter G. Feindt

Notary Public

WALTER G. FEINDT
ATTORNEY AT LAW

DALLAS D. GREEN
DOC. SURCHARGE PAID

91 APR 12 AM 8:37

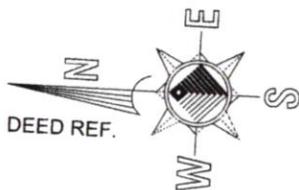
RECORDER OF DEEDS
SUSSEX COUNTY

*Walter Feindt, Atty
4-22-91*

PLAN #23840N-128078

PARCEL NO. 3-30-11.00-6.04

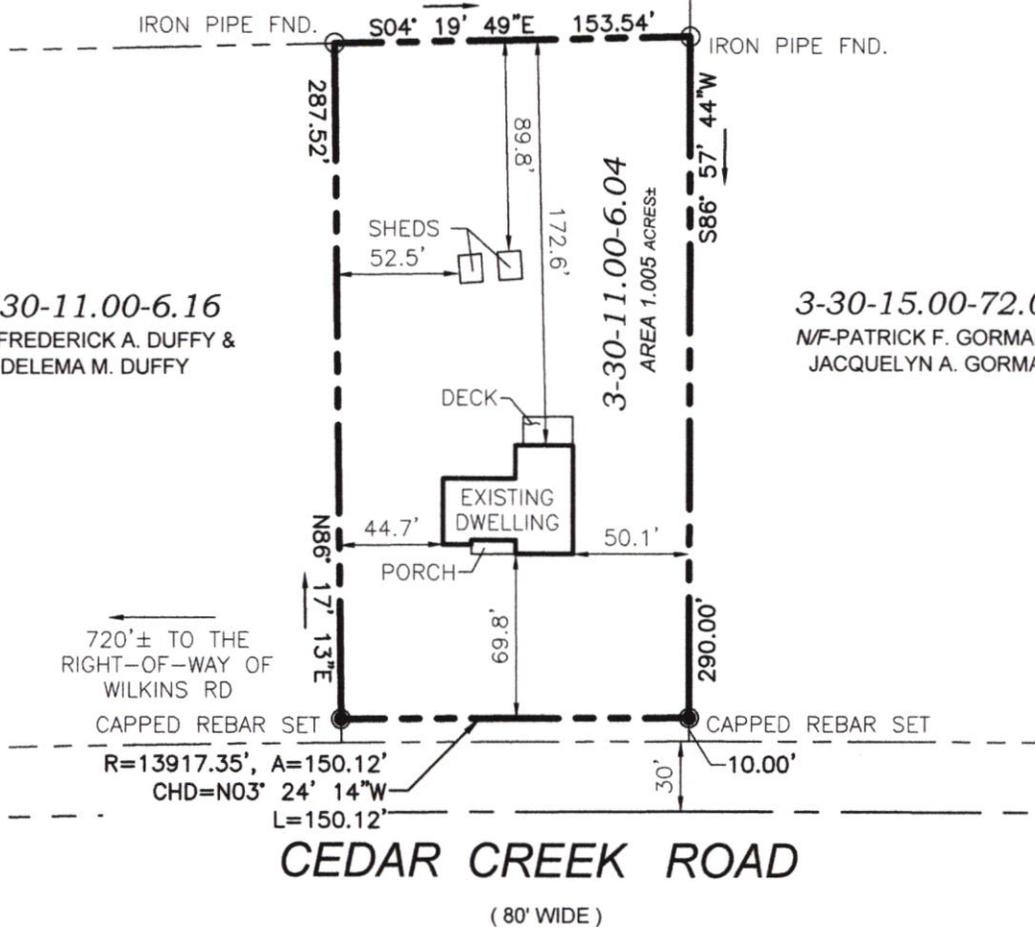
DEED REF: DEED BOOK 1776, PAGE 123



3-30-11.00-6.00
N/F-NELSON W. HALL TRUSTEE
CURRENTLY ANNEXED

3-30-11.00-6.16
N/F-FREDERICK A. DUFFY &
DELEMA M. DUFFY

3-30-15.00-72.00
N/F-PATRICK F. GORMAN &
JACQUELYN A. GORMAN



BOUNDARY SURVEY PLAN
FOR THE ANNEXATION INTO THE CITY OF MILFORD

PREPARED FOR:
WALTER V. SAMUELS, JR. & BARBARA L. SAMUELS

PROPERTY KNOWN AS:
7237 CEDAR CREEK ROAD

SITUATE IN:
CEDAR CREEK HUNDRED
SUSSEX COUNTY - STATE OF DELAWARE

SCALE: 1" = 80'
DATE: 27 DECEMBER 2016

NOTES:

1. THIS PLAN IS VALID ONLY WHEN SIGNED IN RED INK AND EMBOSSED WITH A RAISED IMPRESSION SEAL AND WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD OF ACCURACY FOR A RURAL CLASSIFICATION.
2. LAND ACQUIRED BY DELDOT PER DEED BOOK 3996, PAGE 294 AND DEPICTED ON DELDOT CONTRACT NO. T2008-122-01.
3. NO EASEMENTS OTHER THAN SHOWN WERE PROVIDED.



M E R E S T O N E
C O N S U L T A N T S , I N C .

ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE
WILMINGTON, DE 19808
PHONE: 302-992-7900

33516 CROSSING AVENUE, UNIT 1
FIVE POINTS SQUARE
LEWES, DE 19958
PHONE: 302-226-5880

[Signature]
PROFESSIONAL LAND SURVEYOR

1/25/17
DATE



Land Use Application Cover Sheet

File Name: Samuels, Walter & Barbara

Date Stamp

File Number: 17-008

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.

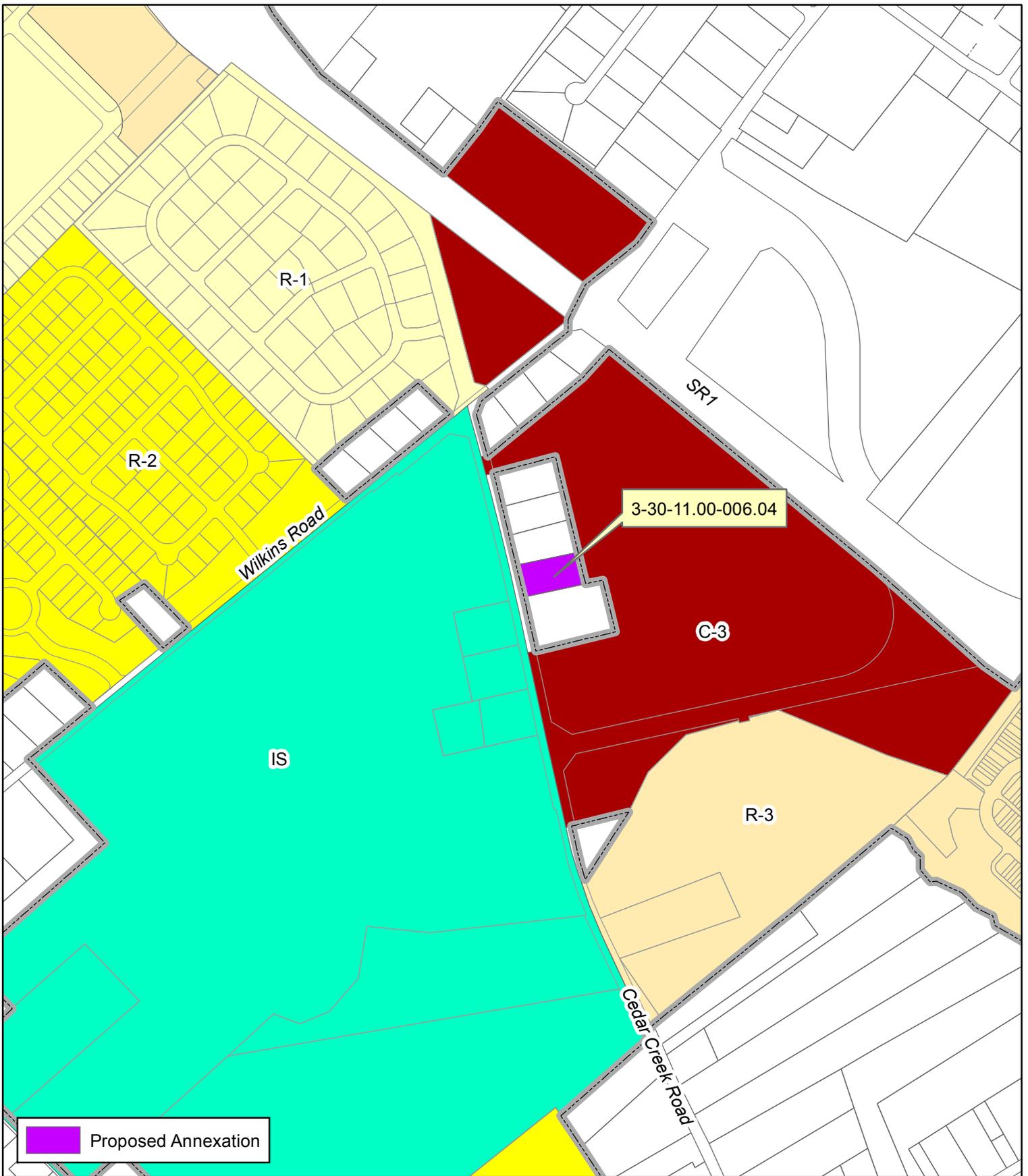
Specify Type of Land Use Application to be submitted (check all that apply):

- 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(s): <u>WALTER + BARBARA SAMUELS JR</u>			Phone: <u>302-422-2831</u>
Address: <u>7237 CEDAR CREEK RD</u>			Cell: <u>—</u>
City: <u>LINCOLN</u>	State: <u>DE</u>	Zip: <u>19960</u>	Fax: <u>—</u>
E-Mail: <u>N/A</u>			
Applicant Name and Company: <u>WALTER + BARBARA SAMUELS</u>			Phone: <u>302-422-2831</u>
Address: <u>7237 CEDAR CREEK RD</u>			Cell: <u>—</u>
City: <u>LINCOLN</u>	State: <u>DE</u>	Zip: <u>19960</u>	Fax: <u>—</u>
E-Mail: <u>N/A</u>			
Surveyor or Engineer: <u>MERESTONE CONSULTANTS, INC,</u>			Phone: <u>302-726-5800</u>
Address: <u>33516 CROSSING AVE, UNIT 1 J</u>			Cell: <u>—</u>
City: <u>LEWES</u>	State: <u>DE</u>	Zip: <u>19958</u>	Fax: <u>—</u>
E-Mail: <u>—</u>			
Site Address: <u>7237 CEDAR CREEK RD LINCOLN DE 19960</u>			Zoning: <u>C-3</u>
Tax Map & Parcel Number(s): <u>3-30-11.00-006.04</u>			Acreeage: <u>1.005</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(s):		<u>Walter Samuel - Jr Barbara L. Samuel</u> Date: <u>4/25/17</u>	
Signature of Applicant(s):		<u>Barbara L. Samuel</u> Date: <u>4/25/17</u>	
Office Use Only:			
<input type="checkbox"/> Current on Utilities		<input type="checkbox"/> Current on Taxes	
<input type="checkbox"/> No Outstanding Violations			

REVISED: 05.2016



 Proposed Annexation



Scale:  Feet
0 300 600

Drawn by: WRP Date: 04/25/17

Title:

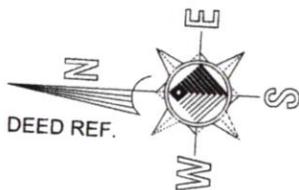
Annexation
Lands of Walter & Barbara Samuels
Location & Zoning Map

Filepath: Annexation_Samuels.mxd

PLAN #23840N-128078

PARCEL NO. 3-30-11.00-6.04

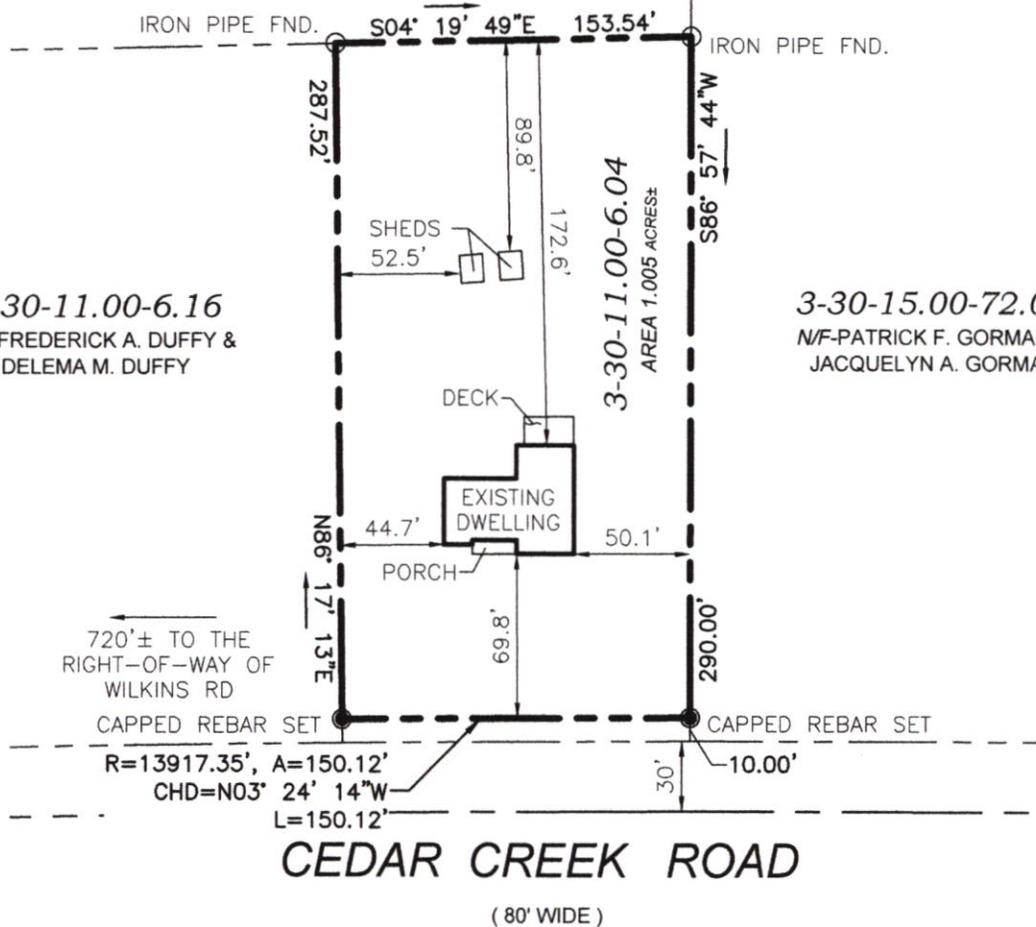
DEED REF: DEED BOOK 1776, PAGE 123



3-30-11.00-6.00
N/F-NELSON W. HALL TRUSTEE
CURRENTLY ANNEXED

3-30-11.00-6.16
N/F-FREDERICK A. DUFFY &
DELEMA M. DUFFY

3-30-15.00-72.00
N/F-PATRICK F. GORMAN &
JACQUELYN A. GORMAN



BOUNDARY SURVEY PLAN
FOR THE ANNEXATION INTO THE CITY OF MILFORD

PREPARED FOR:
WALTER V. SAMUELS, JR. & BARBARA L. SAMUELS

PROPERTY KNOWN AS:
7237 CEDAR CREEK ROAD

SITUATE IN:
CEDAR CREEK HUNDRED
SUSSEX COUNTY - STATE OF DELAWARE

SCALE: 1" = 80'
DATE: 27 DECEMBER 2016

NOTES:

1. THIS PLAN IS VALID ONLY WHEN SIGNED IN RED INK AND EMBOSSED WITH A RAISED IMPRESSION SEAL AND WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD OF ACCURACY FOR A RURAL CLASSIFICATION.
2. LAND ACQUIRED BY DELDOT PER DEED BOOK 3996, PAGE 294 AND DEPICTED ON DELDOT CONTRACT NO. T2008-122-01.
3. NO EASEMENTS OTHER THAN SHOWN WERE PROVIDED.



M E R E S T O N E
C O N S U L T A N T S , I N C .

ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE
WILMINGTON, DE 19808
PHONE: 302-992-7900

33516 CROSSING AVENUE, UNIT 1
FIVE POINTS SQUARE
LEWES, DE 19958
PHONE: 302-226-5880

[Signature]
PROFESSIONAL LAND SURVEYOR

1/25/17
DATE

TAX PARCEL NO: 8-30-11-6
PREPARED BY: WALTER G. FEINDT
P.O. BOX 1184
MILFORD, DE. 19963

5750

BOOK 1776 PAGE 123

INDIVIDUAL DEED—Typewriter
Sold by YOUNG & REVEL Inc. Stationers
MILFORD, DELAWARE

This Deed, MADE THE

8th day of April

in the year of our LORD,

one thousand nine hundred and ninety one

Between

FRANCIS A. WEBB, IV and MARY LOU WEBB,
R.D. #1, Box 96, Lincoln, Delaware 19960
parties of the first part,

-AND-

WALTER V. SAMUELS, JR. and BARBARA L. SAMUELS, his wife,
901 E. Slocomb, Philadelphia, Pa. 19150
parties of the second part,

Witnesseth,

That the said parties

of the first part, for and in consider-

ation of the sum of TEN DOLLARS (\$10.00)

lawful money of the United States of America,

the receipt whereof is hereby acknowledged, hereby grant

and convey

unto

the said parties of the second part.

All, that certain lot, piece and parcel of land, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, fronting on the easterly side of the 60 foot wide right-of-way of State Route 30, adjoining lands now or formerly of grantors, other lands of grantors and lands of Brown P. Thawley, Jr., and more particularly described as follows, to wit:
BEGINNING at an iron pipe set on the easterly right-of-way line of State Route 30 at a corner of lands now or formerly of grantors and distant, on a bearing of South 07 degrees 22 minutes 57 seconds East 781.21 feet from the point at which the centerlines of County Road 206 and State Route 30 intersect; thence proceeding with said lands now or formerly of grantors North 86 degrees 17 minutes 13 seconds East 297.52 feet to an iron pipe set on line of other lands of grantors; thence running with said other lands of grantors South 04 degrees 19 minutes 49 seconds East, 153.54 feet to an iron pipe set on line of lands of Brown P. Thawley, Jr.; thence running with said Thawley lands South 86 degrees 57 minutes 44 seconds West 300.00 feet to an iron pipe found on aforementioned right-of-way line of State Route 30; thence finally following said right-of-way line and deflecting left along a 13,907.52 foot radius curve, the chord of which bears North 03 degrees 24 minutes 14 seconds West 150.00 feet an arc distance of 150.00 feet to the place of beginning; containing 1.04 acres of land, more or less.

BEING part of the same lands conveyed unto FRANCIS A. WEBB, IV and MARY LOU WEBB by deed of MARY SUE PAQUETTE and L. FRANK PAQUETTE, JR., dated 8/30/79 and recorded in Sussex County Deed Book 969, at Page 165.

THIS CONVEYANCE is made subject to the following restrictions.

1. Any ranch style or one story residence constructed on the lot shall have a minimum of 2,000 square feet of living space.
2. Any two story residence constructed on the lot shall have a minimum of 2,250 square feet of living space.

0177 04-12-91 18000

6947 333 4/12/91 TR-TX CD 360.00

PP

In Witness Whereof, The said parties of the first part have hereunto set their hand and seal, the day and year aforesaid.

SEALED AND DELIVERED

in the presence of

Walter G. Feindt
(Seal)

Francis A. Webb IV (Seal)
FRANCIS A. WEBB, IV

Mary Lou Webb (Seal)
MARY LOU WEBB

_____ (Seal)
_____ (Seal)

PURCHASERS REPORT
MADE THIS DATE

APR 15 1991

ASSESSMENT DIVISION
OF SUSSEX CTY.

State of Delaware, }
SUSSEX County. } ss.

Be It Remembered, that on this _____ day of April in the year of our Lord one thousand nine hundred and ninety one personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, FRANCIS A. WEBB, IV and MARY LOU WEBB,

Parties to this Indenture, known to me personally to be such, and they did acknowledge this Indenture to be their Deed.

GIVEN under my hand and Seal of Office, the day and year aforesaid

Walter G. Feindt
Notary Public

WALTER G. FEINDT
ATTORNEY AT LAW

DALLAS D. GREEN
DOC. SURCHARGE PAID

91 APR 12 AM 8:37

RECORDER OF DEEDS
SUSSEX COUNTY

*Walter Feindt, Atty
4-22-91*

TO: Mayor Bryan Shupe & City of Milford Council Members

FROM: Annexation Committee

DATE: May 8, 2017

RE: Annexation Committee Report

A public meeting was held in Council Chambers on May 8, 2017 to consider the annexation request for lands described as:

Property Owner:	Walter & Barbara Samuels
Location:	7237 Cedar Creek Road
Size:	1.005 +/- acres
Existing Zoning:	AR-1 – Agricultural Residential (Sussex County)
Proposed Zoning:	C-3 (Highway/Commercial District)
Tax Map and Parcel Number:	3-30-11.00-006.04

APPLICANT

A petition by the property owners was submitted on April 25, 2017 to annex 1.005 +/- acres into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcels 3-30-11.00-006.04 and would be located in the 1st Ward of the City of Milford. The property is located along Cedar Creek Road, south of the Wilkins Road intersection. The property is currently improved with a single-family detached dwelling unit.

STREETS

The property currently has an entrance along Cedar Creek Road. Any commercial development would gain access from Cedar Creek Road or through the Hall property to the east. Internal drive aisles and parking areas associated with a commercial site plan would not be maintained by the City and would be private.

DRAINAGE

Any development of this parcel will be subject to DNREC storm-water regulations and the developer would be required to obtain any and all permits from the Sussex Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned AR-1 in Sussex County under the Sussex County Zoning Ordinance. The applicant requests the property to be zoned C-3 (Highway/Commercial District) under the City of Milford's Zoning Ordinance.

SEWER

The property is currently served by an individual septic system. The owner will be allowed to continue the use of this onsite system until such time that sewer becomes technically available. Any residential or commercial redevelopment will require the connection to City sewer at the expense of the property owner/developer. The property would be served by the planned southeast regional pumping station. Additional fees, including County and City impact fees, will be required at time of development.

WATER

The property is currently served by an onsite well. The owner will be allowed to continue the use of the onsite well until such time that water becomes technically available. Any residential or commercial redevelopment of the property will require the connection to City water at the expense of the property owner/developer. The area will be served with a water main extension from existing infrastructure in the southeast neighborhood. Additional fees, including City impact fees, will be required through the individual lot permitting.

ELECTRIC

The property is currently provided electric service by the Delaware Electric Cooperative. The owner will continue to use the services of the DEC until such time the property is redeveloped for residential or commercial purposes. Costs of the improvements needed to provide electric service to the property shall be the responsibility of the owner. Additional fees, including City impact fees, will be required through the building permitting and site plan process.

UTILITY AGREEMENT

A utility agreement regarding all infrastructure costs will be required as part of the major subdivision or site plan approval process.

TRAFFIC

Any development of these parcels will be subject to DelDOT approval for access along Cedar Creek Road. There are no anticipated traffic impacts associated with this annexation request.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Environmental Navigator website, the property does not contain state mapped wetlands. Also, the property is not located within an excellent groundwater recharge area nor is it located within the 100-year floodplain.

AREA LAND USES

The parcel is bound on the north by residential properties that are currently in the unincorporated area of Sussex County. The property to the south and west is undeveloped land within City limits that is zoned C-3 Highway Commercial. The property to the west, across Cedar Creek Road, is zoned IS (Institutional Service District) and is currently being developed as a regional health campus by Bayhealth.

FIRE AND POLICE

The Carlisle Fire Dept. will provide fire and EMS coverage to this area. The City will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the amended 2008 Comprehensive Plan and SE Master Plan Future Land Use exhibits is designated as Highway/Commercial.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

It is anticipated that the property taxes, after development, will increase on this property and the City would benefit from the revenues received from building permits. Construction costs as well as user service fees cannot be determined at this time, as the applicant has not proposed a project to assess.

ADVANTAGES TO THE CITY

- 1. The property would be within the planning area of the City of Milford.
- 2. The City would receive revenues (property tax, building permits, etc.) for activity on the property.
- 3. Potential for additional water, sewer and electric customers.
- 4. Identified within the annexation as shown on the SE Master Plan and 2008 Comprehensive Plan.
- 5. Consistent with the Comprehensive Plan Future Land Use exhibits.

DISADVANTAGES TO THE CITY

- 1. None.

RECOMMENDATION

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

- 1. Annexation is consistent with the “Comprehensive Land Use Plan” and the “SE Master Plan”.
- 2. Property is contiguous to existing City Limits.
- 3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
- 4. Property will be served by City Electric (future development), Sewer, and Water. At present, these utilities are not available, but the property owner shall be responsible for any expenses associated with extension to the property.
- 5. The annexation will benefit the City through additional revenues, including property taxes.
- 6. An executed Annexation Agreement is required prior to final City Council approval.
- 7. Upon approval of the annexation committee report, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: C-3 (Highway Commercial)

Council Representative/Committee Chairman

Date

Council Representative

Date

Council Representative

Date

Planning Commission Chairman

Date