

City of Milford



City Council Committee Agenda

Monday, June 11, 2018

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

6:45 P.M.

Annexation Committee Meeting

Call to Order - Chairman Owen Brooks Jr.

Annexation/Lands belonging to the City of Milford

Location: 20167 Elks Lodge Road

Size: 6.5 +/- acres

Existing Zoning: AR-1 Agricultural Residential (Sussex County)

Proposed Zoning: I-S Institutional Service District (City of Milford)

Tax Map and Parcel Number: 3-30-15.00-058.02

Recommendation

Adjourn

This agenda shall 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.

City of Milford
RESOLUTION 2018-09

Annexation/Lands belonging to the City of Milford
Tax Map 3-30-15.00-058.02
6.5 +/- Acres
Current Zone AR-1/Proposed Zone I-S

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owner and duly witnessed, requesting annexation into the City of Milford, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, fronting on the northeasterly side of County Road 211 and on the southeasterly side of County Road 206, adjoining lands of Carl W. Grundman, lands of James H. Cannon, Jr. and other lands of grantor, and more particularly described as follows, to wit

BEGINNING at a set iron pipe on aforementioned northeasterly right of way line of County Road 211, 25 feet from the centerline thereof, and at a corner for other lands of grantor; thence running with said right of way line of County Road 211 North 44 degrees 45 minutes 52 seconds West 625.00 feet to a set iron pipe at the southerly corner of lands of Carl W. Grundman; thence proceeding along said lands of Carl W. Grundman and lands of James H. Cannon Jr. North 49 degrees 45 minutes 54 seconds East 1083.33 feet to a found iron pipe at a corner for said Cannon lands: thence following line of said Cannon lands North 43 degrees 35 minutes 29 seconds West 386.42 feet, passing through an iron pipe found at 385.75 feet to a point on aforementioned southeasterly right of way line of County Road 206; thence following said right of way line of County Road 206, 25 feet from the centerline thereof, North 49 degrees 26 minutes 02 seconds East 100.14 feet to a set iron pipe at a corner for other lands of grantor; thence proceeding along said other lands of grantor the following 5 courses and distances: 1) South 43 degrees 35 minutes 29 seconds East 487.17 feet to a set iron pipe; 2) South 49 degrees 45 minutes 54 seconds West 831.44 feet to a set iron pipe; 3) South 44 degrees 45 minutes 52 seconds East 299.69 feet to a set iron pipe: 4) South 49 degrees 45 minutes 54 seconds west 150.00 feet to a set iron pipe; and finally 5) South 01 degrees 08 minutes 34 seconds East 288.99 feet to the place of beginning, containing 6. 5 +/- acres of land, more or less, as filed in Plot Book 32, page 316.

BEING a portion of the lands devised to Mary L. Vreeland, James H. Vreeland, Mary Lou Webb and Kay V. Klute by the Last Will and Testament of Howard s. Vreeland as filed in the Office of the Register of Wills, Georgetown, Sussex County, Delaware.

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 Owen Brooks, Councilmembers Christopher Mergner and James Starling Sr. along with Planning Commission Chairman Marvin Sharp.

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.

City Clerk

Adopted: May 14, 2018



Land Use Application Cover Sheet

File Name: COM Electric Substation
 File Number: 16-004

Date Stamp
06-30-16
CC

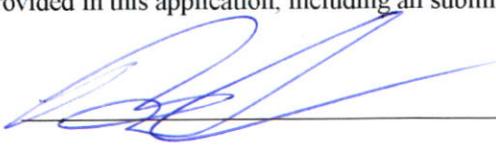
Instructions for Applicants:

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>City of Milford</u>			Phone: <u>302 424 3712</u>
Address: <u>201 S. Walnut St</u>			Cell:
City: <u>Milford</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax:
E-Mail:			
Applicant Name and Company:			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Surveyor or Engineer:			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Site Address: <u>2016⁷ Elks Lodge Road</u>		Zoning: <u>AP-1</u>	
Tax Map & Parcel Number(s): <u>3-30-15.00-58.02</u>		Acreage: <u>6.5</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): 		Date: <u>06/27/2016</u>	
Signature of Applicant(s): _____		Date: _____	
Office Use Only:			
<input type="checkbox"/> Current on Utilities <u>N/A</u>	<input type="checkbox"/> Current on Taxes <u>N/A</u>	<input type="checkbox"/> No Outstanding Violations <u>N/A</u>	

REVISED: 05.2016



Annexation Application

File Name: COM Electric Substation
 File Number: 16-004

Date Stamp: 06.30.16
cc

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: IS Comprehensive Plan Designation: N/A # Employment Center

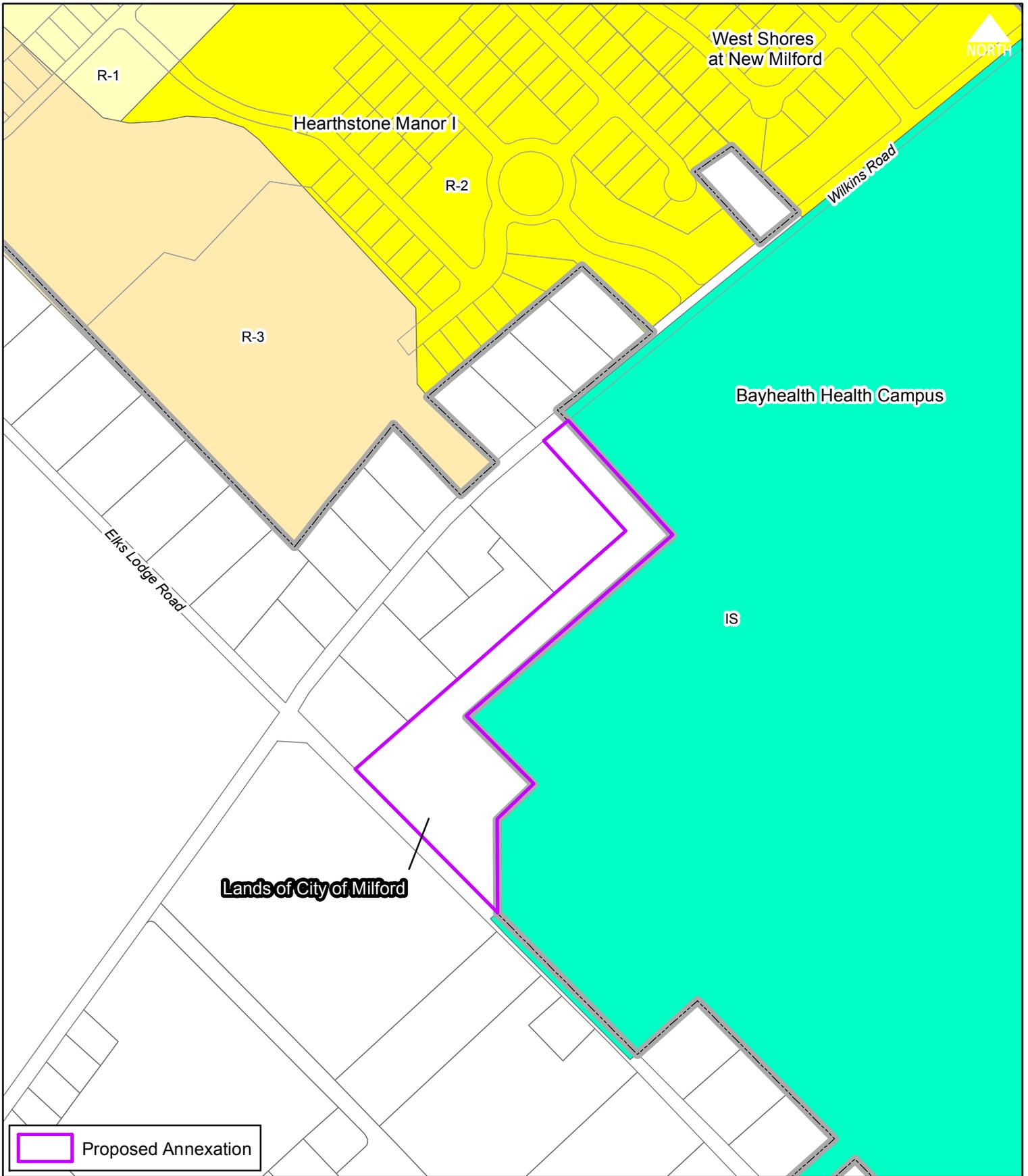
REQUIRED ITEMS		For Staff Use ONLY	
		Verified	Waived
<input checked="" type="checkbox"/>	1. Land Use Application Cover Sheet.	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	2. Petition for annexation, signed by ALL property owners with signature of each petitioner duly witnessed; petition 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 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).		<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.

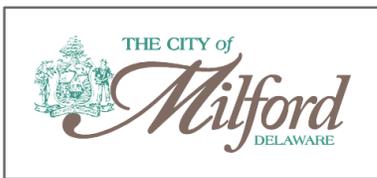
Signature of Property Owner: [Signature] Date: 06/27/2016
 Signature of Applicant: _____ Date: _____

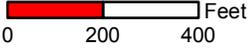
FOR STAFF USE ONLY			
City Council	Annexation Committee	Planning Commission	City Council
Applicant			
Owner			

REvised: 01.2014



 Proposed Annexation

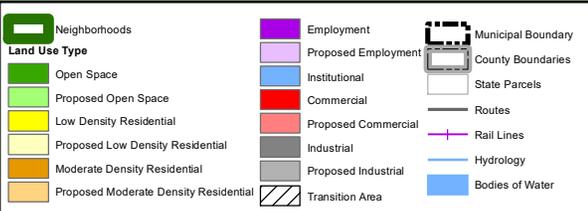
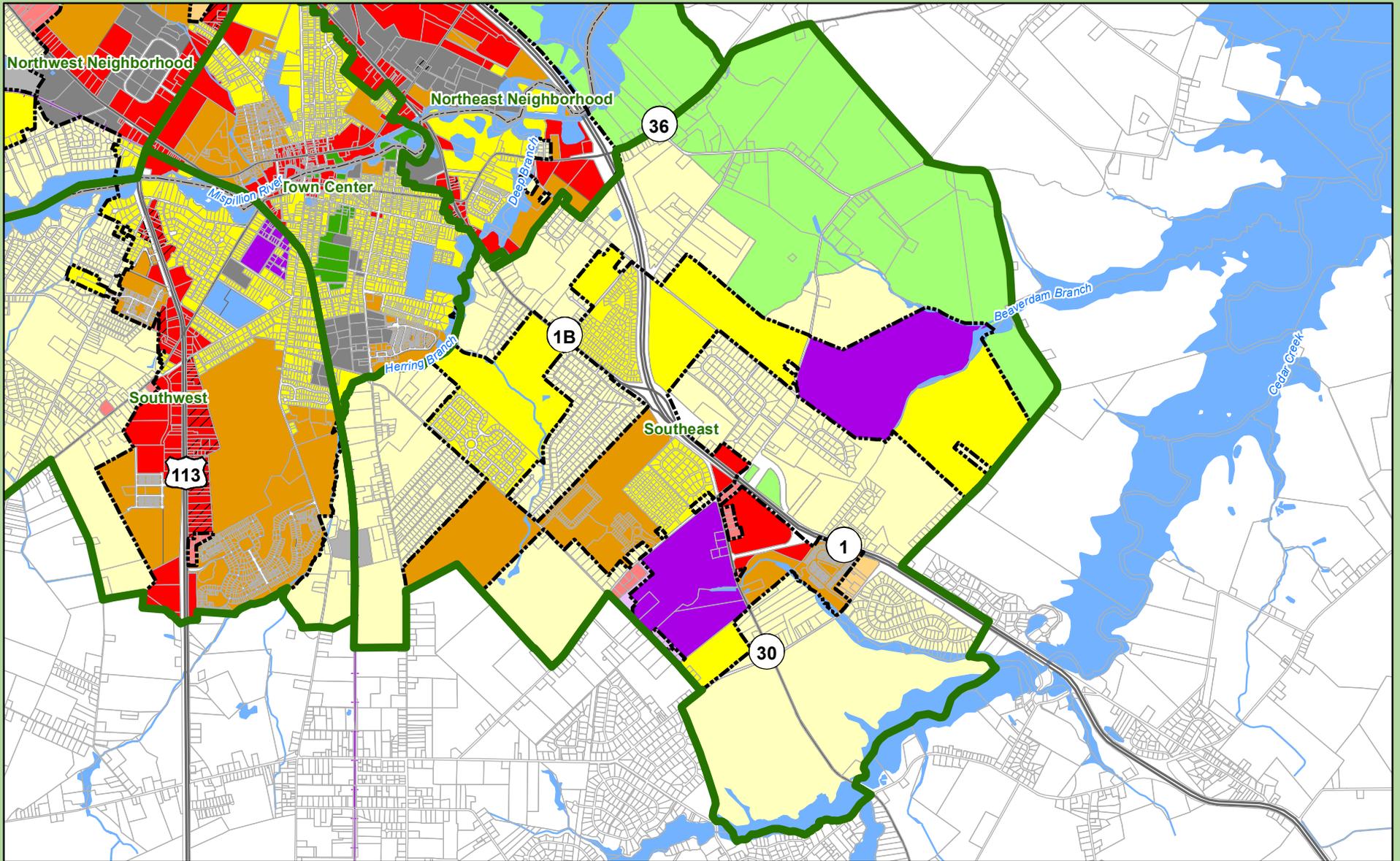


Scale:  Feet
0 200 400

Drawn by: WRP Date: 04/17/18

Title:
**Proposed Annexation
City of Milford
Location & Zoning Map**

Filepath: Annexation_CityofMilford.mxd

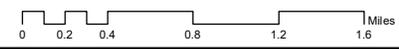


City of Milford, Delaware

Future Land Use

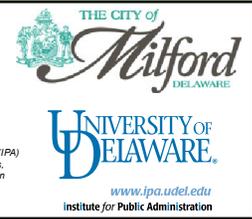
Southeast

Adopted Jan. 22, 2018, Certified TBD



Sources:
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
 DRAFT Future Landuse - City of Milford, Delaware 01/18.
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
 Hydrology - USGS and EPA, FirstMap 01/18.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.



This Deed, Made this

BOOK 1352 PAGE 337

17th day of July 19 85

BETWEEN.

JAMES H. VREELAND, MARY L. VREELAND, MARY LOU WEBB and KAY V. KLUTE, of Milford, Delaware, parties of the first part,

- AND -

THE CITY OF MILFORD, a Municipal Corporation of 201 South Walnut Street, Milford, Delaware, 19963, party of the second part,

Witnesseth. That the said party of the first part, for and in consideration of the sum of TWENTY SIX THOUSAND SEVENTY DOLLARS and EIGHTY CENTS----- (\$26,070.80)-----lawful money of the United States of America,

the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part.



ALL

that certain tract, piece and parcel of land, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, fronting on the northeasterly side of County Road 211 and on the southeasterly side of County Road 206, adjoining lands of Carl W. Grundman, lands of James H. Cannon, Jr. and other lands of grantor, and more particularly described as follows, to wit:

BEGINNING at a set iron pipe on aforementioned northeasterly right of way line of County Road 211, 25 feet from the centerline thereof, and at a corner for other lands of grantor; thence running with said right of way line of County Road 211 North 44 degrees 45 minutes 52 seconds West 625.00 feet to a set iron pipe at the southerly corner of lands of Carl W. Grundman; thence proceeding along said lands of Carl W. Grundman and lands of James H. Cannon Jr. North 49 degrees 45 minutes 54 seconds East 1083.33 feet to a found iron pipe at a corner for said Cannon lands; thence following line of said Cannon lands North 43 degrees 35 minutes 29 seconds West 386.42 feet, passing through an iron pipe found at 385.75 feet to a point on aforementioned southeasterly right of way line of County Road 206; thence following said right of way line of County Road 206, 25 feet from the centerline thereof, North 49 degrees 26 minutes 02 seconds East 100.14 feet to a set iron pipe at a corner for other lands of grantor; thence proceeding along said other lands of grantor the following 5 courses and distances: 1) South 43 degrees 35 minutes 29 seconds East 487.17 feet to a set iron pipe; 2) South 49 degrees 45 minutes 54 seconds West 831.44 feet to a set iron pipe; 3) South 44 degrees 45 minutes 52 seconds East 299.69 feet to a set iron pipe; 4) South 49 degrees 45 minutes 54 seconds West 150.00 feet to a set iron pipe; and finally 5) South 01 degrees 08 minutes 34 seconds East 288.99 feet to the place of beginning, containing 6.5177 acres of land, more or less, as filed in Plot Book 32, page 316.

BEING a portion of the lands devised to Mary L. Vreeland, James H. Vreeland, Mary Lou Webb and Kay V. Klute by the Last Will and Testament of Howard S. Vreeland as filed in the Office of the Register of Wills, Georgetown, Sussex County, Delaware.

FUQUA AND GRAVES
THE CIRCLE
GEORGETOWN, DELAWARE 19847

STATE OF DELAWARE

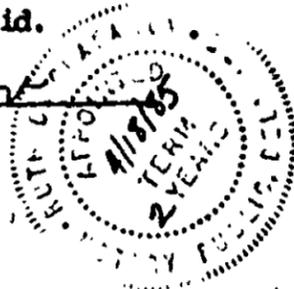
BOOK 1352 PAGE 338

COUNTY OF

BE IT REMEMBERED, That on this 17th day of July, 1985, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JAMES H. VREELAND, party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his Deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

Burt D. Chasnov
NOTARY PUBLIC



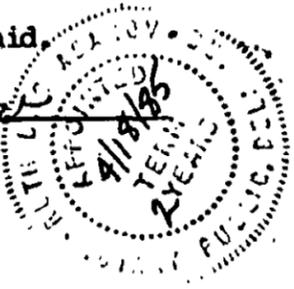
STATE OF DELAWARE:

COUNTY OF

BE IT REMEMBERED, That on this 17th day of July, 1985, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, MARY L. VREELAND, party to this Indenture, known to me personally to be such, and she acknowledged this Indenture to be her Deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

Burt D. Chasnov
NOTARY PUBLIC



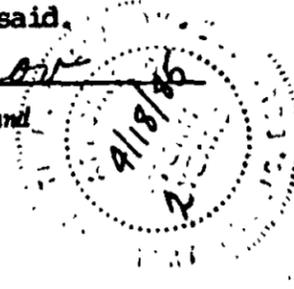
STATE OF DELAWARE:

COUNTY OF

BE IT REMEMBERED, That on this 17th day of July, 1985, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, MARY LOU WEBB, party to this Indenture, known to me personally to be such, and she acknowledged this Indenture to be her Deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

Burt D. Chasnov
NOTARY PUBLIC



In Witness Whereof, the said party of the first part has hereunto set hand and seal, the day and year aforesaid.

Signed, Sealed, Delivered and Witnessed in the Presence of

Kenneth A. Mills
as to all

James H. Vreeland
MARY L. VREELAND
Mary Lou Webb
KAY V. KLUTE



State of Delaware,
County of Sussex

} ss.

this 17th day of July, 1985, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,

KAY V. KLUTE,

part Y to this Indenture, known to me personally to be such, and SHE acknowledged this Indenture to be HER Deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

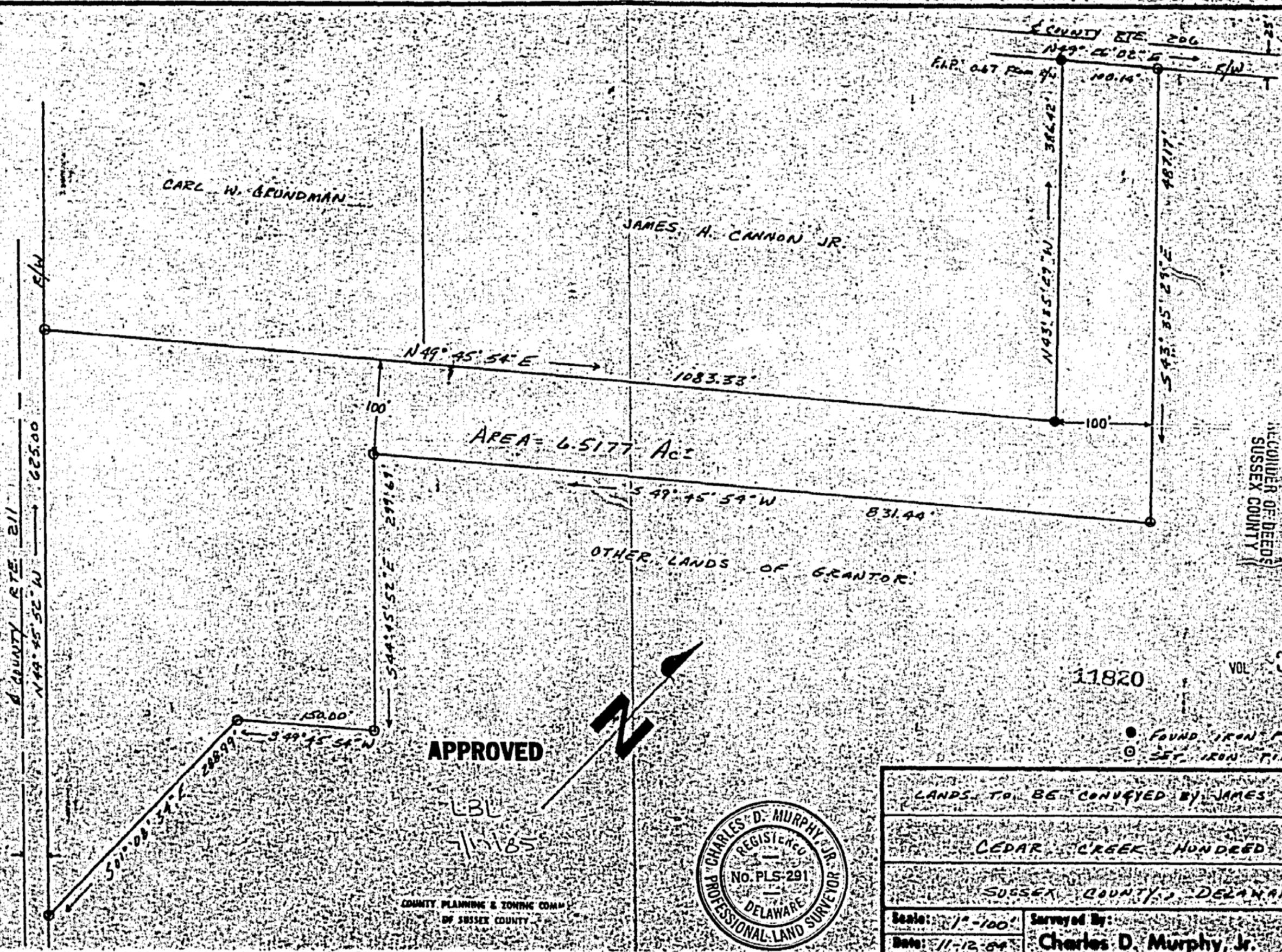
RECEIVED
MARY L. VREELAND
1985 JUL 18 PM 2:32
RECORDED OF DEEDS
SUSSEX COUNTY



Burt D. Chasnov
Notary Public

19th DAY OF July 1985
ASSESSMENT DIVISION SUSSEX COUNTY

Milgard, Del. 7-26-85



RECEIVED
MAY ANI IANHOHD
1905 JUL 18 PM 2 31
RECORDER OF DEEDS
SUSSEX COUNTY

11820 VOL 32 PAGE 316

APPROVED

LBL
7/11/85

COUNTY PLANNING & ZONING COMM.
OF SUSSEX COUNTY



LANDS TO BE CONVEYED BY JAMES H. VREGLAND	
CEDAR CREEK HUNDRED	
SUSSEX COUNTY, DELAWARE	
Scale: 1" = 100'	Surveyed By: Charles D. Murphy, Jr.
Date: 11-12-84	P.L.S. 291

270198 (5) 7-00

TO: Mayor Bryan Shupe & City of Milford Council Members
FROM: Annexation Committee
DATE: June 18, 2018
RE: Annexation Committee Report

A public meeting was held in Council Chambers on June 18, 2018 to consider the annexation request for lands described as:

Property Owner:	City of Milford
Location:	Elks Lodge Road
Size:	6.5 +/- acres
Existing Zoning:	AR-1 – Agricultural Residential (Sussex County)
Proposed Zoning:	IS (Institutional Service District)
Tax Map and Parcel Number:	3-30-15.00-058.02

APPLICANT

The City of Milford requests the 6.5 +/- acres of land containing the City's electrical substation be annexed into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcels 1-30-3.00-80.02 and would be located in the 1st Ward of the City of Milford. The property is off of Elks Lodge Road and is the current location of the City's electric substation.

STREETS

No Streets.

DRAINAGE

No Drainage.

ZONING

The area proposed to be annexed is currently zoned AR-1 in Sussex County under the Sussex County Zoning Ordinance. The City requests the property to be zoned IS (Institutional Service District) under the City of Milford's Zoning Ordinance.

SEWER

No sewer.

WATER

No water.

ELECTRIC

Existing City electric.

TRAFFIC

Entrances to Elks Lodge Road are controlled by DelDOT.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Navigator website, the property does not contain state mapped wetlands. The property is not located within the 100-year floodplain according to the most recent FEMA Flood Insurance Rate Maps (FIRMs). The property does not contain areas of excellent groundwater recharge.

AREA LAND USES

The parcel is surrounded on the west by the Delmarva Power electrical substation, to the south and east by the proposed Bayhealth Health Campus property and to the north by residential uses.

FIRE AND POLICE

The Carlisle Fire Dept. will provide fire protection services to this parcel. The City will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and the SE Master Plan and is designated as Employment.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The property is owned by the City of Milford; therefore, no taxes or other economic benefits are anticipated. City Council agreed to convey a small portion of the property to Bayhealth in exchange for utility easements located throughout the medical campus.

ADVANTAGES TO THE CITY

1. The property would be within the planning area of the City of Milford and is identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan.
2. The proposed zoning is consistent with the 2018 Comprehensive Plan Future Land Use Map.
3. The annexation would allow the conveyance of a small unused portion of the parcel to Bayhealth to be incorporated into the proposed health campus property per the executed Bayhealth development agreement.

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".
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. 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: IS

Council Representative/Committee Chairman

Date

Council Representative

Date

Council Representative

Date

Planning Commission Chairman

Date

DRAFT