

City of Milford



CITY COUNCIL COMMITTEE AGENDA

Monday, February 10, 2020

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

Original Agenda posted on February 3, 2020 at 4:56 p.m.

6:15 P.M.

ANNEXATION COMMITTEE

Call to Order – Chairperson Owen Brooks, Jr.

New Business

Recommendation/Annexation/Lands belonging to First Baptist Church of Milford Incorporated/6044 Old Shawnee Road, Milford, DE 19963/Tax Map 1-30-3.06-125.00/1.14 +/- Acres/
Current Zone MR/Proposed Zone R-1

Recommendation/De-Annexation/Lands belonging to Paynter A. Lynch and Joyce E. Lynch/Canterbury Road, Milford, DE 19963/Tax Map MD-16-173.00-01-02.01/1.00 +/- Acres/
Current Zone OC1/Proposed Zone AR

Adjournment

All items on the Council Meeting Agenda are subject to a potential vote.

**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.**

020320

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on February 3, 2020 at 4:56 p.m. and at least seven (7) days in advance of the meeting.

First Baptist Church

Dr. David P. Perdue, Pastor

6062 Old Shawnee Road
Milford, DE 19963-3355
Tel: 302/422-9795
Fax: 302/422-6379
E-Mail: pastorperdue@fbcms.org

December 31, 2019

City of Milford
Planning and Zoning
City Council
201 South Walnut Street
Milford, Delaware 19963

Re: Annexation Request
Sussex County Tax Map No. 1-30-3.06-125.00
Property Address: 6044 Old Shawnee Rd., Milford, DE 19963

Dear Mayor and City Council:

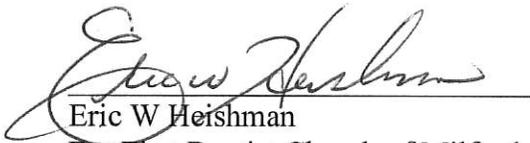
Please accept this correspondence as a formal request for annexation of the above referenced parcel into the incorporated City of Milford. The property is currently County zoned MR. As per the City of Milford Comprehensive Plan the parcel is designated Low Density Residential. We are requesting R-1 zoning for this property which contains 1.140 +/- acres.

The purpose of this request is to utilize the services and resources that the City has to offer and expand our property located at 6062 Old Shawnee Rd., Milford, DE 19963 which is already annexed into the incorporated City of Milford.

Should have any questions, please reach out to the point of contact for the property owner via:

Eric W Heishman
(302) 249-9727

Respectfully requested,


Eric W Heishman
For First Baptist Church of Milford


Witness


David P Perdue
Pastor, First Baptist Church of Milford



Land Use Application Cover Sheet

File Name: FIRST Baptist Church Date Stamp
 File Number: 19-022

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>FIRST BAPTIST CHURCH OF MILFORD</u>			Phone: <u>(302) 422-9795</u>
Address: <u>6062 Old Shawnee Rd</u>			Cell:
City: <u>MILFORD</u>	State: <u>DE</u>	Zip: <u>19963</u>	Fax: <u>(302) 422-6379</u>
E-Mail: <u>FIRSTBAPTIST@FBEMCS.ORG</u>			
Applicant Name and Company: <u>SAME</u>			Phone:
Address:			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
Surveyor or Engineer: <u>STEPHEN R. LEHR</u>			Phone: <u>(302) 422-9568</u>
Address: <u>10045 CLENDANIEL POND RD</u>			Cell:
City: <u>LINCOLN</u>	State: <u>DE</u>	Zip: <u>19960</u>	Fax:
E-Mail:			
Site Address: <u>6044 OLD SHAWNEE RD</u>			Zoning: <u>MR</u>
Tax Map & Parcel Number(s): <u>130-3.06-125.00</u>			Acreage: <u>1.14 AC</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>[Signature]</u>			Date: <u>12/31/19</u>
Signature of Applicant(s): <u>[Signature]</u>			Date: <u>12/31/19</u>

Office Use Only:

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

REVISED: 05.2016



Annexation Application

File Name: First Baptist Church
 File Number: 19-002

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: MR Requested Zoning: R-1 Comprehensive Plan Designation: Res, Low Dens

REQUIRED ITEMS		For Staff Use ONLY	
		Verified	Waived
<input type="checkbox"/>	1. Land Use Application Cover Sheet.		
<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 type="checkbox"/>	3. A full legal description of the property in Word format.		
<input 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).		

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: David P. Parker Date: 12/31/19
 Signature of Applicant: James J. ... Date: 12/31/19

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

REVISED: 01.2014



TO: Mayor & Council Members
FROM: Annexation Committee
DATE: February 10, 2020
RE: Annexation Committee Report

A public meeting was held in Council Chambers on February 10, 2020 to consider the annexation request for lands described as:

Property Owner:	First Baptist Church of Milford
Location:	6044 Old Shawnee Road
Size:	1.14 +/- acres
Existing Zoning:	MR – Medium Residential (Sussex County)
Proposed Zoning:	R-1 (Single-family Residential)
Tax Map and Parcel Number:	1-30-3.06-125.00

APPLICANT

A petition by the property owners was submitted on January 2, 2020 to annex 1.14 +/- acres into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcel 1-30-3.06-125.00 and is located along the north side of Old Shawnee Road approximately 1,900 feet west of the S. Dupont Boulevard intersection.

STREETS

The property contains an existing single-family detached dwelling with one residential entrance along Old Shawnee Road. Old Shawnee Road is a State Maintained roadway and any changes in access would require DelDOT approval.

DRAINAGE

The residential site is already developed. Any future redevelopment of the property would be subject to DNREC storm-water regulations and the owner 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 MR (Medium Residential) in Sussex County under the Sussex County zoning ordinance. The applicant requests the property be zoned R-1 (Single-family Residential District) under the City of Milford zoning ordinance.

SEWER

The property is currently served by an onsite septic system under the governance of DNREC. The property owner would be permitted to keep the onsite septic system until such time that sewer became available to the property. Any redevelopment of the property would require connection to City sewer service. It is determined that the applicant would have to extend sewer from the Brookstone Trace development to serve the existing church and the subject parcel containing the single-family dwelling. The property owner would have to design and construct a pumping system to convey the wastewater from the property to Brookstone Trace. All costs associated with the design and construction of the sewer extension would be borne by the applicant. Any construction improvements would need to be reviewed and approved by the City Engineer.

WATER

The property is currently served by an onsite well under the governance of DNREC. The property owner would be permitted to keep the onsite well until such time that water became technically available to the property. Any redevelopment of the property would require connection to City water service. It is determined that the applicant would have to extend water service from the Brookstone Trace development or along Old Shawnee Road to the east in order to serve the existing church and the subject parcel containing the single-family dwelling. All costs associated with the design and construction of the water main extension would be borne by the applicant. Any construction improvements would need to be reviewed and approved by the City Engineer.

ELECTRIC

The property is currently served by the City of Milford.

TRAFFIC

The existing single-family dwelling has as single residential driveway along Old Shawnee Road. Old Shawnee Road is a State Maintained roadway and any changes to the access would need to be approved 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 according to DNREC Navigator website.

AREA LAND USES

The properties to the south and west are owned by the First Baptist Church of Milford and contain the church and youth center. The properties to the east contain similar single-family detached dwellings. The properties to the east, across Old Shawnee Road, contain single-family detached dwellings.

FIRE AND POLICE

The subject parcel is located within the Carlisle Fire Company district area according to Kent County's online mapping application. Carlisle Fire Dept. already provides fire and EMS coverage to this area. EMS is also currently provided by Kent County Levy Court. Milford Police Department will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation request is consistent with the 2018 Comprehensive Plan Future Land Use Plan and is designated as Proposed Low Density Residential.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The proposed annexation will not generate new property tax revenue to the City since the owner is considered a non-profit organization. Extension of utilities would provide additional revenue within the sewer and water system.

ADVANTAGES TO THE CITY

- 1. The property is within the planning area of the City of Milford.
- 2. The City would receive revenues (building permits, etc.) for activity on the property.
- 3. Potential for additional water and sewer user.
- 4. Identified within the Urban Growth Boundary of the 2018 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.”
- 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 is already served by City Electric. The property could be served by City Sewer and Water in the future.
- 5. An executed Annexation Agreement is required prior to final City Council approval.
- 6. 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: R-1 (Single-family Residential)

Council Representative/Committee Chairman

Date

Council Representative

Date

Council Representative

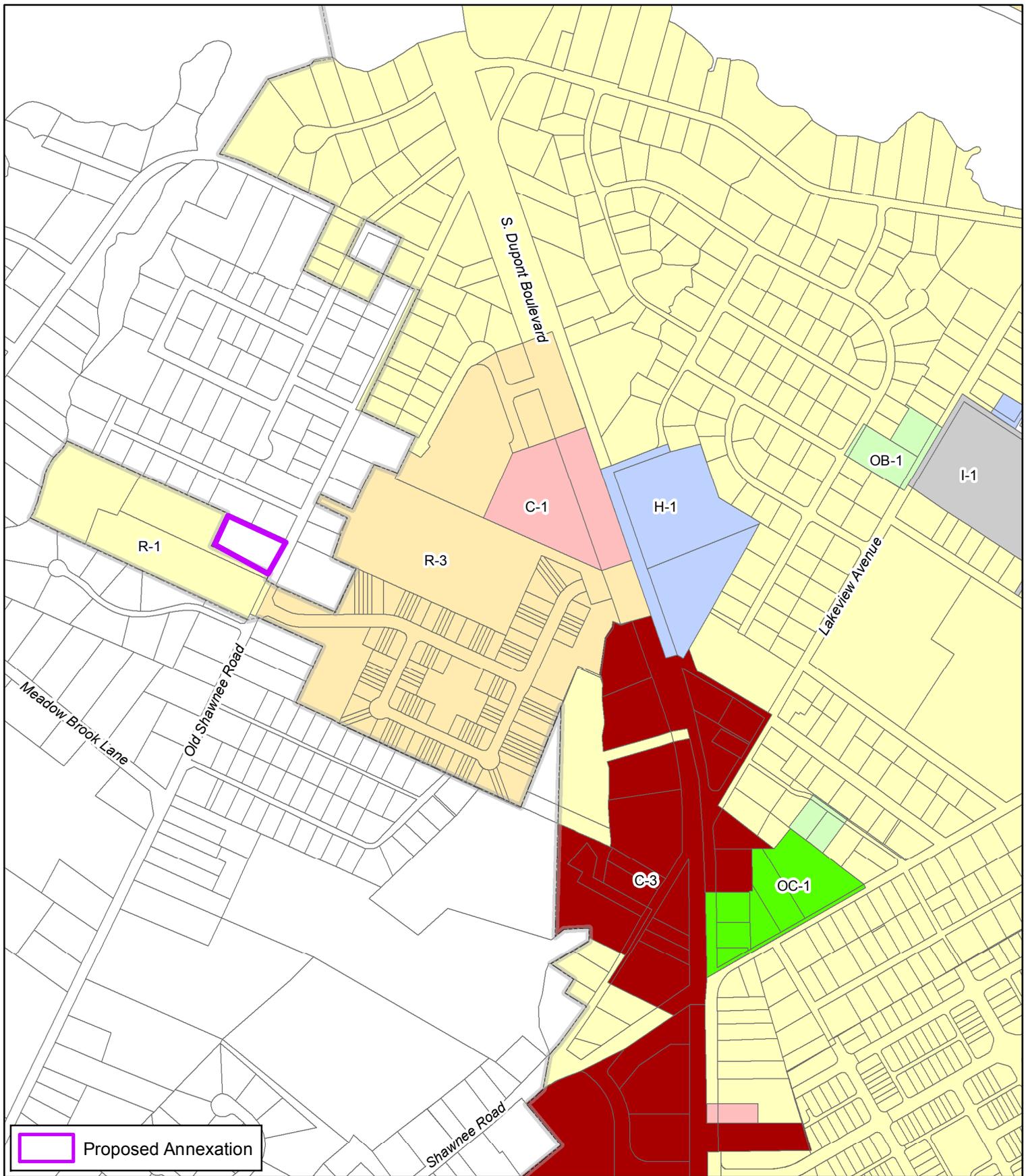
Date

Council Representative

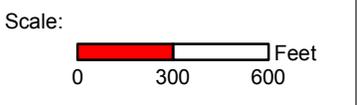
Date

Planning Commission Chairman

Date



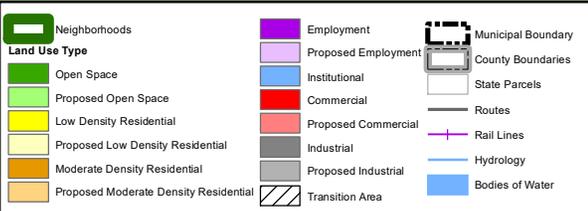
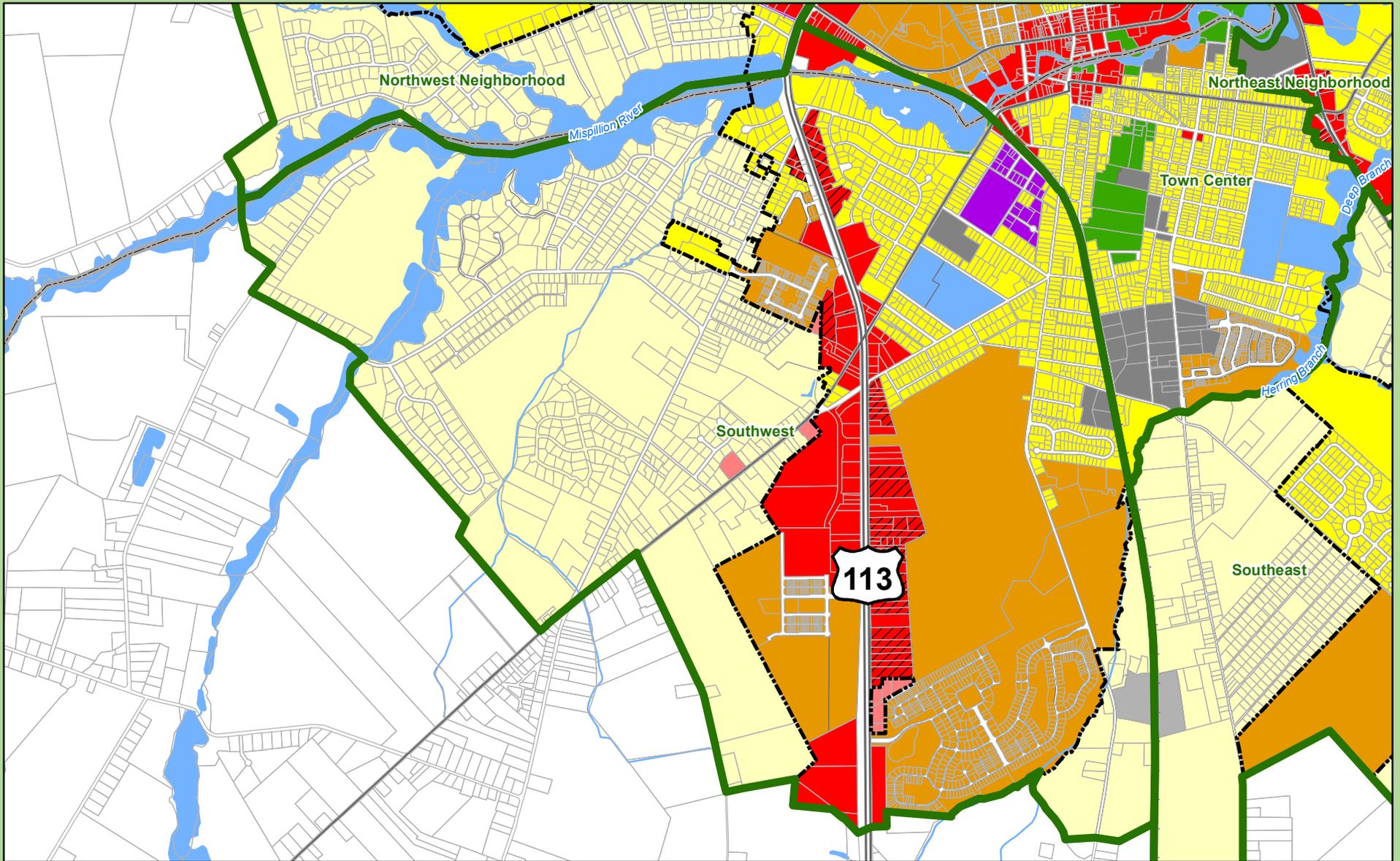
 Proposed Annexation



Drawn by: WRP Date: 01/02/20

Title:
**Proposed Annexation
First Baptist Church of Milford
Location & Zoning Map**

Filepath: Annexation_FirstBaptistChurch.mxd

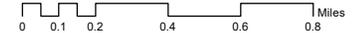


City of Milford, Delaware

Future Land Use

Southwest

Adopted Jan. 22, 2018, Certified May 2018



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.



www.ipa.udel.edu
 Institute for Public Administration

Tax Parcel No. 1-30-3.06-125.00

Prepared by: Planning & Zoning

City of Milford
201 S. Walnut St.
Milford, DE 19963

Return to: The Honorable Arthur J. Campbell, Mayor

City of Milford, 201 S. Walnut St.
Milford, DE 19963

FIRST BAPTIST CHURCH OF MILFORD, INC.
PLAN OF SERVICES AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2020, by and between FIRST BAPTIST CHURCH OF MILFORD, INC. (hereinafter “FBC”) located at 6062 Old Shawnee Road, Milford, Delaware 19963, and the City of Milford, a municipal corporation of the State of Delaware, with its principal offices located at 201 South Walnut Street, Milford Delaware, 19963 (hereinafter “City”).

RECITALS

- A. WHEREAS, FBC is the record title owner of a parcel of land consisting of 1.14 acres, more or less, lying contiguous to the City of Milford, said tract identified on the Sussex County, Delaware tax maps as Tax Parcel No. 1-30-3.06-125.00, said tract hereinafter referred to as “FBC PROPERTY”.

FBC is desirous of having the FBC PROPERTY annexed into the City of Milford and requested the land use to be Low Density Residential in nature.

- B. WHEREAS the City, through its City Council (in consultation with the City Solicitor and City Planner), has duly considered the proposed annexation and has determined that the proposed annexation would be in the City’s overall best interest for the following reasons among others:

1. The property would be within the planning area of the City of Milford.
2. Identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan.
3. Consistent with the Future Land Figure of the 2018 Comprehensive Plan.

- C. Recognizing that FBC’s request for annexation is unilateral (in that the City cannot annex the FBC PROPERTY unless FBC desires the property to be annexed) and further recognizing that the intended land use is consistent with the City’s Land Use Plan, and can be accommodated within the City’s long range Comprehensive Plan, the City

Council has determined that it is in the City's best interest to provide FBC with binding assurances to proceed with annexation.

- D. Article I, Section 1.04 of the City Charter of the City of Milford (pursuant to Chapter 148, Volume 72, Laws of Delaware {as amended}) authorizes and empowers the Mayor of the City of Milford to appoint a Committee composed of not less than three (3) of the elected members of the City Council and one member of the City Planning Commission to investigate the possibility of annexation.

NOW THEREFORE, in consideration of the premises, and in consideration of FBC's request to be annexed into the City of Milford, in consideration of the annexation filing fee for administrative expenses, the receipt whereof is hereby acknowledged, and for other good and valuable consideration, the parties hereto, intending to be legally bound, hereby covenant and agree as follows:

1. Annexation Contingency. This Agreement is expressly contingent upon the annexation, by the City, of the FBC PROPERTY. In the event that such annexation does not occur, this Agreement shall be null, void, and of no legal force or effect.
2. Land Subject to Annexation. The land subject to this Agreement consists of 1.14 acres, more or less, said tract identified on the Sussex County, Delaware tax maps as Tax Parcel No. 1-30-3.06-125.00.

The hereinabove described parcel of land is more fully depicted on that certain Survey "Boundary Survey Plan prepared for First Baptist Church of Milford, Inc." dated August 23, 2018, prepared by Adams-Kemp Associates, Inc. a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by reference; metes and bounds description for parcel is attached hereto as **Exhibit "B"** and incorporated herein by specific reference.

3. Water Distribution System and Sanitary Sewer. Notwithstanding any other provision or requirement under any City ordinance or regulation, FBC agrees that the FBC PROPERTY will be connected to the City water distribution system if and when water service becomes technically available at a connection point located along Old Shawnee Road within the FBC Property. Similarly, FBC agrees that the FBC PROPERTY will be connected to the City sanitary sewer system if and when sewer service becomes technically available at a connection point located along Old Shawnee Road within the FBC Property. Any redevelopment of the subject parcel into a use other than a single-family detached dwelling may require FBC to connect to City water and sewer service at the sole discretion of the City. The parties agree that FBC would be responsible for the costs to design and construct any utility extensions and service connections needed to serve the FBC Property. FBC agrees to execute any documents needed for the City to obtain Certificate of Public Convenience and Necessity (CPCN) rights.

4. Electric Distribution System. The FBC PROPERTY is already a City of Milford electric customer.
5. Natural Features. The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel.
6. Zoning. The FBC shall be annexed as City district R-1 Single-family Residential and shall be developed in accordance with said district. Nothing in this agreement shall remove or eliminate the owner from the necessary site plan reviews, fees, public hearings and all other requirements under the City's Land Use Ordinance.
5. City Not Responsible for Infrastructure Improvements; FBC Right to Assign.

Anything herein to the contrary notwithstanding:

- a) The City shall have no obligation or responsibility (financial or otherwise) for providing, installing, or constructing any of the required infrastructure improvements;
 - b) FBC may, with the City's prior written consent, which shall not be unreasonably withheld, sell, lease, or convey all or any portion of FBC PROPERTY to any third party and, as part of such sale, lease, or conveyance, assign all or any of its rights and *corresponding obligations* hereunder to such third party.
6. Except as Modified, All Other City Ordinances and Regulations to Control. Except as specifically provided herein, once finally annexed into the City of Milford, all lands subject to this Agreement shall be subject to and governed by all provisions of the City Charter and all City ordinances and regulations as they now exist or may hereafter be amended, revised, or repealed, as well as any new ordinances or regulations adopted by the City Council, to the same effect and degree as all other lands within the City boundaries of the City of Milford.
 7. Annexation Agreement to be a Material Part of Annexation Proceedings. Pursuant to Title 22, Delaware Code §101 Plan of Services Reporting, this Agreement shall be deemed to be a material part of the annexation proceedings conducted pursuant hereto; that is to say:
 - a. The resolutions and notices adopted by the City Council, including any resolution and notices for public hearings, proposing the aforesaid annexation shall recite that the proposed annexation includes, and is subject to, an annexation agreement, shall briefly summarize the terms of this annexation agreement, and shall state that copies of the annexation agreement are available upon request at the City Hall.

b. If the results of the annexation hearings are favorable to the proposed annexation, the final resolution annexing the territory shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such annexation agreement by specific reference.

8. Land Use Planning Act. The City of Milford shall notify the Delaware State Planning Office, Kent County Department of Public Works, Milford Police Department, Carlisle Fire Department and Milford School District of the proposed annexation contemplated by this Agreement and the parties shall comply with the requirements of the Delaware Land Use Planning of Title 29 of Delaware Code, Chapter 92 (Land Use Planning Act effective until February 14, 2004; Preliminary Land Use Services effective February 14, 2004), as amended.
9. Governing Law. This Agreement shall be governed by the laws of the State of Delaware (notwithstanding the fact that one or more parties may now or later become a resident of another state) and the parties hereto agree that the courts of the State of Delaware shall have jurisdiction over any case or controversy and hereby consent to such jurisdiction.
10. Separability. If any section, paragraph, sentence or clause of this Agreement is determined or declared to be invalid or unenforceable by any court of competent jurisdiction, the remainder hereof shall remain in full force and effect.
11. Entire Agreement. This Agreement constitutes the entire understanding of the parties. It supersedes any and all prior agreements between them. There are no representations or warranties other than those herein contained.
12. Amendments. This Agreement shall not be amended except in writing executed by all parties hereto.
13. Binding Effect. This Agreement shall be binding upon the parties hereto, their administrators, successors, successors in interest and assigns.
14. Contra Proferentum. The fact that one party has drafted this Agreement shall in no way be used against that party in construing the terms, condition, and obligations hereunder.
15. Headings. Headings and captions used herein are solely for the convenience of the parties and shall have no legal significance in construing the terms of this Agreement.
16. Non-Waiver. The failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.
17. Enforcement. In the event of a breach, this Agreement shall be enforced through

a decree of specific performance, the parties agreeing that monetary damages would not provide an adequate remedy.

18. Recording. This agreement, dully executed by the City and FBC, shall be recorded in the office of the Recorder of Deeds, in and for Sussex County, Delaware. The cost of recording shall be paid by FBC.
19. Plan of Services Requirement. This Agreement shall not be considered or deemed to be contract zoning. The parties hereto acknowledge their respective obligations to enter into a Plan of Services Agreement as part of the annexation process according to 22 Del.C., §101(3) and Milford City Charter Article 1.04(a)(3).

DRAFT

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

FIRST BAPTIST CHURCH OF MILFORD,
INC.

Attest: _____

By: _____
Pastor David P. Perdue, President

CITY OF MILFORD

Attest: _____
City Clerk

By: _____ (Seal)
Arthur J. Campbell, Mayor

STATE OF DELAWARE :
:
COUNTY OF SUSSEX :

Signed and sworn to before me this _____ day of _____, 2020, by Pastor David P. Perdue, President of First Baptist Church of Milford, Inc.

Signature of Notary Public

STATE OF DELAWARE :
:
COUNTY OF SUSSEX :

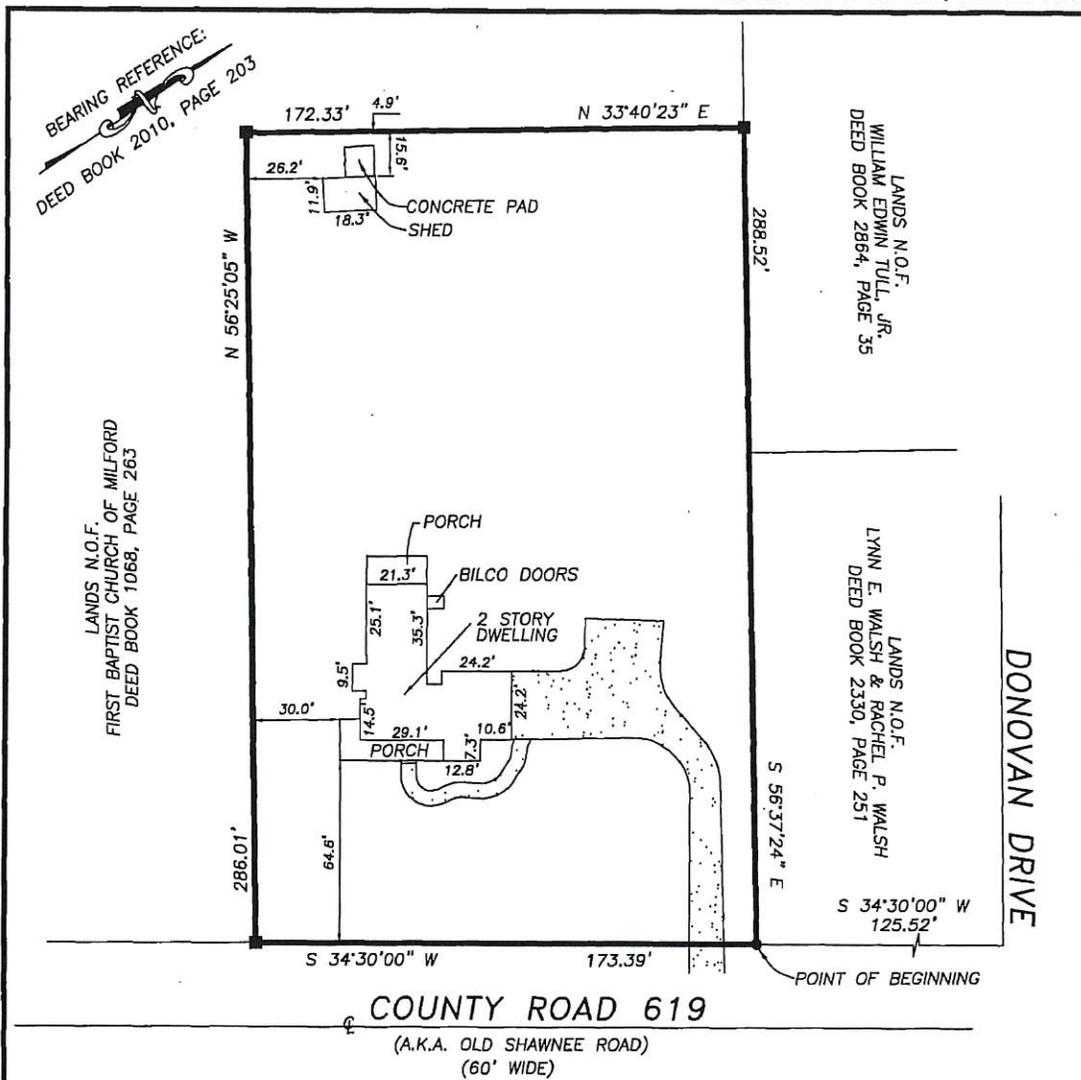
Signed and sworn to before me this _____ day of _____, 2020, by Arthur J. Campbell, Mayor of the City of Milford.

Signature of Notary Public

Exhibit A

DRAFT

TAX MAP NO. 1-30-3.06, PARCEL 125.00



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK 2010, PAGE 203
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

LEGEND:

- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT

I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

BOUNDARY SURVEY PLAN

PREPARED FOR
**FIRST BAPTIST CHURCH
 OF MILFORD, INC.**

FOR PROPERTY KNOWN AS
 6062 OLD SHAWNEE ROAD
 SITUATED IN
 CEDAR CREEK HUNDRED
 SUSSEX COUNTY
 STATE OF DELAWARE
 AREA: 1.140± ACRES
 SCALE: 1" = 50'
 DATE: AUGUST 23, 2018

Prepared By
 ADAMS-KEMP ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 AND PLANNERS
 217 SOUTH RACE STREET
 GEORGETOWN, DELAWARE 19947
 PHONE: (302) 856-6699
 WWW.ADAMSKEMP.COM

R.B. KEMP, III, P.L.S. 541

Exhibit B

DRAFT

Description

Land to be conveyed to
First Baptist Church of Milford, Inc.
6062 Old Shawnee Road
Tax Map 1-30-3.06 Parcel 125.00
Cedar Creek Hundred
Sussex County
State of Delaware

Beginning for the same at a found iron pipe located at the southeast corner of the herein described property located at 6062 Old Shawnee Road, Tax Map 1-30-3.06 Parcel 125.00, Cedar Creek Hundred, Sussex County, State of Delaware. Point of beginning being located

A) S 34°30'00" W a distance of 125.52' from Donovan Drive.

Point of beginning also being the southwest corner of the land now or formerly of Lynn and Rachel Walsh (Deed 2330 page 251), and being in the Northerly line of Old Shawnee Road (Co. Rd. 619). Thence running and binding with said Old Shawnee Road (Co. rd. 619),

1) S 34°30'00" W a distance of 173.39'; to a found concrete monument and to land now or formerly of First Baptist Church of Milford (Deed book 1068 page 263). Thence with same for the two following courses and distances,

2) N 56°25'05" W a distance of 286.01'; to a found concrete monument, thence

3) N 33°40'23" E a distance of 172.33'; to a found concrete monument and to land now or formerly of William E Tull Jr. (deed book 2864 page 35).

Thence with same and land of aforesaid Walsh,

4) S 56°37'24" E a distance of 288.52'; to the point of beginning.

Containing 1.140 acres, more or less.

Request for De-Annexation of Parcel Map ID 5-16-17300-01-0201-00001

11/9/2019

Paynter A Lynch
Joyce E Lynch
60 New Hope Drive
Milford DE 19963

City Of Milford
Public Works Facility
180 Vickers Drive
Milford DE 19963
Attn: Rob Pierce

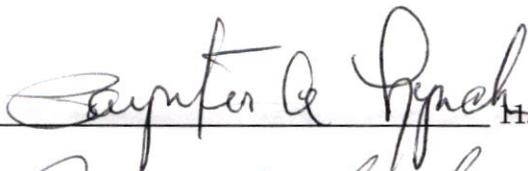
Dear Mr. Pierce

We are requesting that our property referenced on tax map ID 5-16-17300-01-0201-00001 Be De Annexed from the City of Milford. When we purchased the above parcel we were ensured this would be added to our existing parcel to make 1 continuing property however this portion of our purchase was not completed by the City of Milford at time of purchase, it is our intent to request the above aforementioned De-annexation to be finalized into 1 continuing parcel. Please advise us of any other needed steps to complete this process.

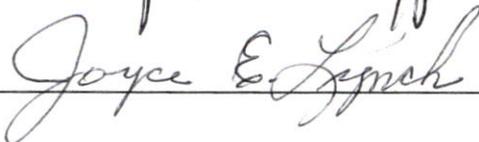
Thank You in Advance for Your attention to this matter, your assistance is greatly appreciated.

Respectfully,

Paynter A Lynch & Joyce E Lynch



11/09/2019



11/09/2019

Tax Map# (Part Of) MD-16-173.00-01-02.00-000
Prepared By: James A. Fuqua, Jr.
Fuqua and Yori, PA
28 The Circle
Georgetown, DE 19947

THIS DEED made this 21st day of June, 2001

between **THE CITY OF MILFORD**, a municipal corporation of the State of Delaware, party of the first part, of PO Box 159, Milford, Delaware 19963, and **PAYNTER A. LYNCH AND JOYCE E. LYNCH**, parties of the second part, of 60 NEW HOPE DRIVE, Milford, Delaware 19963.

-witnesseth-

That the said party of the first part, for and in consideration of the sum of One Dollar and No Cents (\$1.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said parties of the second part, as tenants by the entirety, and their heirs and assigns, in fee simple, the following-described lands, situate, lying and being in Kent County, State of Delaware:

ALL THAT piece, parcel and lot of land, lying and being situate in the City of Milford, Kent County, and the State of Delaware, being depicted on a survey prepared by Davis, Bowen & Friedel, Inc., dated January 2001, fronting on the southerly right-of-way line of Private Road No. 2, adjoining lands now or formerly of Brett Elliott, et ux, of Lot 10, other lands of Paynter A. Lynch, et ux and residual lands of the City of Milford, being more particularly described as follows, to wit: BEGINNING at an iron rod and cap set on line for Lot 12 in the subdivision known as Hollywood Acres, as filed with the office of

\$ T/E Transfer Tax
paid to KCBT
Received by JMH

\$ T/E Delaware
Realty Transfer Tax Paid.
(1.5% 2.0% Received by JMH)

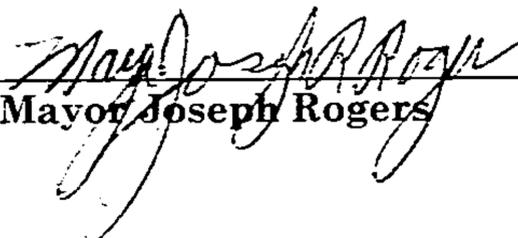
the Recorder of Deeds, at Dover, Delaware in Plot Book 4 at page 21, and being the southwesterly corner for lands of Brett Elliott, distant South 02 degrees 29 minutes 20 seconds West 15.22 feet from a concrete monument found on the southerly right-of-way line of the easterly terminus of Private Road No. 2; thence proceeding with said Elliott lands, and lands of the City of Milford South 87 degrees 04 minutes 10 seconds East 220.54 feet to a point; thence continuing with said City lands the following two (2) courses and distances: (1) South 02 degrees 49 minutes 41 seconds West, 197.76 feet; and (2) North 87 degrees 07 minutes 56 seconds West 221.36 feet to a point on line for Lot 10 in the above referenced subdivision; thence finally, running with Lot 10 and Lot 12 North 03 degrees 03 minutes 55 seconds East 198.01 feet to the place of beginning, containing 1.004 acres of land, more or less.

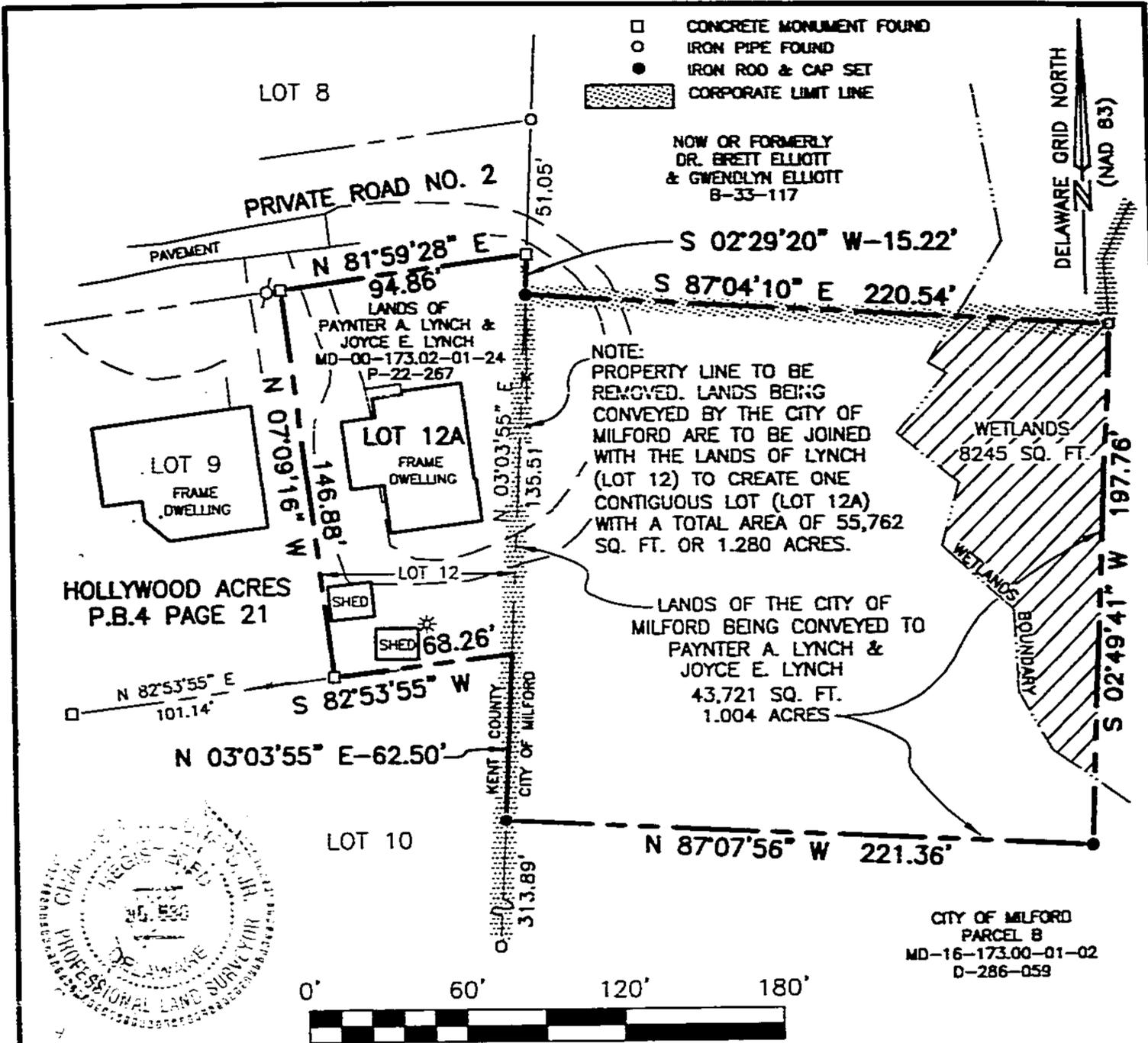
BEING A PART OF THE SAME LANDS conveyed unto the City of Milford by Deed recorded in the office of the Recorder of Deeds in and for Kent County, Delaware, in Volume D, Book 286, page 059.

THE ABOVE MENTIONED PARCEL OF LAND IS BEING CONVEYED TO BECOME A PART OF TAX MAP #MD-00-173.02-01-024

IN WITNESS WHEREOF, the said THE CITY OF MILFORD hath caused its name to be hereunto set the day and year first above written.

THE CITY OF MILFORD

By: 
Mayor Joseph Rogers



 DAVIS, BOWEN & FRIEDEL, INC. ARCHITECTS, ENGINEERS & SURVEYORS P. O. BOX 93 SALISBURY, MARYLAND 21801 410-543-9091	SURVEY LOT 12A HOLLYWOOD ACRES CITY OF MILFORD, MILFORD HUNDRED KENT COUNTY, DELAWARE		
	DATE: JAN. 2001	SCALE: 1" = 60'	PROJ. NO. 052A109

S:\052109\HOLLYWOOD\SUB01.DWG

JUL 11 12 04 PM '01

1.05 - Deannexation.

- (a) Except as provided for in Section 1.05(b), below, deannexation shall follow procedures established in the Delaware Code.
- (b) The City Council may authorize the deannexation of either of the following:
 - (1) Property with zero residents and assessed valuation of less than \$25,000 by ordinance following a public hearing.
 - (2) A parcel which contains less square footage than the smallest parcel in the zoning district in which it is located.