

Tax Parcel Nos. 134-12.00-394.00 and 394.04
PREPARED BY AND RETURN TO:
Sergovic Carmean Weidman
McCartney & Owens, P.A.
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Georgetown, DE 19947
302-855-1260 SLT

RESOLUTION 18-04

**RESOLUTION TO ANNEX CERTAIN TERRITORY CONTIGUOUS TO THE
SOUTHWESTERLY LIMITS OF THE TOWN OF MILLVILLE CURRENTLY OWNED BY THE
HOWARD ROBERT HICKMAN REVOCABLE TRUST, IDENTIFIED AS SUSSEX COUNTY
TAX MAP AND PARCEL NUMBERS 134-12.00-394.00 AND 134-12.00-394.04
(TOTALING 31.32+/- ACRES)**

AND

**TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF MILLVILLE
TO INCLUDE SAID TERRITORY IN THE R-RESIDENTIAL DISTRICT.**

WHEREAS, pursuant to Section 3 of the Charter of the Town of Millville, the Town Council received a petition to annex the lands now or formerly of the Howard Robert Hickman Revocable Trust (Applicant), into the Town for 31.32 acres of land, more or less, located contiguous to the existing southwesterly incorporated limits of the Town of Millville, identified as Sussex County Tax Map and Parcel Numbers 134-12.00-394.00 and 134-12.00-394.04, located on Windmill Drive and Dukes Drive, as described in **Exhibit "A"**, attached hereto and incorporated by reference herein; and

WHEREAS, the Applicant has requested that these lands be annexed to the Town and be designated as part of the R-Residential District; and

WHEREAS, Millville's Comprehensive Plan has designated these parcels to be zoned for residential uses; and

WHEREAS, the Mayor appointed an Annexation Committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation; and

WHEREAS, Sussex County has confirmed that capacity is available for the project as proposed, considering densities under the Town's Zoning Ordinance and Comprehensive Plan; and

WHEREAS, the Office of State Planning responded favorably to the annexation and confirmed that the Town has completed all relevant annexation requirements of Title 22, Section 101 of the Delaware Code; and

WHEREAS, the Annexation Committee appointed by the Mayor submitted its report to the Mayor and the Town Council on July 21, 2017, recommending that the Town of Millville proceed with the proposed annexation and concluding that the proposed annexation is advantageous to both the Town of Millville and to the territory proposed to be annexed, an copy of the report of the Annexation Committee being available at Town Hall; and

WHEREAS, the Mayor and the Town Council deem it important and in the best interests of the Town to include the territory proposed for annexation in the Town; and

WHEREAS, a public hearing following fifteen (15) days' notice thereof by publication in a newspaper of general circulation within the Town was held on September 12, 2017 for an opportunity for comment on the proposed annexation and on the ordinance to amend the Zoning Map of the Town of Millville to include the territory proposed for annexation within the Town limits and to be designated as part of the Residential (R) District; and

WHEREAS, existing statutory authority, 22 Del. C. §304, requires that any amendment to any zoning map or ordinance shall be after a public hearing following fifteen (15) days' notice thereof by publication in an official paper or a paper of general circulation within a municipality, said public hearing was held on September 12, 2017; and

WHEREAS, pursuant to 22 Del. C. §101, notice of the proposed annexation was given to Sussex County and a public hearing was required;

NOW THEREFORE, BE IT RESOLVED by the affirmative vote of two-thirds (2/3) of all members of the Town Council of the Town of Millville that the lands now or formerly of the Howard Robert Hickman Revocable Trust, said property containing 31.32 acres, more or less, located contiguous to the existing southwesterly incorporated limits of the Town of Millville, identified as Sussex County Tax Map and Parcel Numbers 134-12.00-394.00 and 394.04, located on Windmill Drive and Dukes Drive, be and are hereby annexed into the Town of Millville; and

AND BE IT FURTHER RESOLVED that the Zoning Ordinance and the Zoning Map of the Town of Millville, as amended, be and are hereby further amended to include said territory in the R-Residential District;

AND BE IT FURTHER RESOLVED that the Town Manager be and is hereby authorized and directed to cause this Resolution or a Notice of the annexation with legal description to be filed among the land records of Sussex County in the office of the Recorder of Deeds in Georgetown, Delaware, and copy of said Notice to be forwarded to the mapping office of Sussex County.

I, Valerie Faden, Secretary of the Town Council of the Town of Millville, hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Town Council of the Town of Millville at its meeting held on September 12, 2017, at which a quorum was present and voting throughout and that the same is still in full force and effect.

WITNESS:

Reborah J. Belcher

Valerie Faden
SECRETARY

STATE OF Delaware)
COUNTY OF Sussex) S.S.

BE IT REMEMBERED, that on this 12 day of September, 2017, came before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Valerie Faden, Secretary of the Town Council of the Town of Millville, a municipal corporation of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed on behalf of such municipality. GIVEN under my Hand and Seal of office, the day and year aforesaid.



Matthew Thomas Amerling (Seal)
Notary Public or Notarial Officer
Print Name: Matthew Thomas Amerling
My Commission Expires: 7/7/2019