

MILFORD CITY COUNCIL  
MINUTES OF MEETING  
December 19, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Wednesday, December 19, 2018.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow and Katrina Wilson

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmember Christopher Mergner  
Councilmember James Starling Sr.

Planning Director Rob Pierce was also present.

#### CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 5:30 p.m.

#### INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Wilson.

#### APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes of the November 13, 2018 and November 26, 2018 Council and Committee Meetings. Councilmember Wilson moved for approval, seconded by Councilmember Peel. Motion carried.

#### ANNEXATION PETITIONS & PUBLIC HEARINGS

*ORDINANCE 2018-29*

*ORDINANCE 2018-30\* (Rescheduled)*

*Annexation of Lands belonging to Simpson, Gilbert & Irene*

*Change of Zone of Annexed Lands*

*5919 South Rehoboth Boulevard*

*Tax Parcel 3-30-11.00-043.00*

*1.90 +/- Acres*

*Current Zone AR1/Proposed Zone C1*

Mr. Pierce reported that public notices were mailed to owners of properties within 200 feet of the subject parcel. The notice was also properly advertised in the Delaware State News and the Milford Beacon. The comprehensive plan shows this as low density residential; the current county zoning is AR1 and the proposed zoning designation is C1 (commercial).

The request is to consider the annexation of 1.9 acres on South Rehoboth Boulevard adjacent to the former batting cage and Putt-A- Rosa. An existing single family home remains on the property though it has been vacant for some time. The plan is to remove the home and incorporate the property with the adjacent commercial land to develop a shopping center.

The Council packet includes the Annexation Committee report from September 24, 2018, signed by the members who

recommended the annexation move forward. Also included is the area map, future land use exhibit showing its compliance with the comprehensive plan and draft version of the annexation agreement which has since been executed.

The Office of State Planning has also accepted the Plan of Services.

The Planning Commission reviewed the application and voted unanimously to recommend annexation with a zoning designation of C1.

Davis, Bowen and Friedel Principal/PE Ring Lardner addressed Council stating that Applicant Doug Motley of Windward Communities LLC in also in attendance.

Mr. Lardner asked that Mr. Pierce's comments be included in his record of testimony on behalf of the application.

He reiterated the request is for a C1 zoning as would be consistent with the surrounding zoning of C3 to the north and the former Putt-A-Rosa complex and small repair shop that fronts South Rehoboth Boulevard. He also referenced the sliver of R3 just to the south of the property and the mix of residential-commercial further south toward Route 30.

The intent is for this parcel to be used in conjunction with the adjacent parcels to the north for a future commercial development. A related conditional use application will be submitted next month. This will also connect to the recent preliminary approval of an apartment complex on the adjacent R3 zoned land.

Mr. Lardner explained a road will extend from South Rehoboth Boulevard to Beaver Dam Road and will inner connect both projects.

The parcel, currently accesses South Rehoboth Boulevard/Business Route 1, and will be reviewed by DelDOT for its future development. The homes intend to be demolished as part of the future commercial project.

The parcel is consistent with the comprehensive land use plan.

The plan of services was reviewed and approved by the Office of State Planning and a signed annexation and plan of services agreement has been delivered to the City.

Concluding, he asked Council to respectfully approve the annexation of this parcel into the City of Milford with a C1 zoning.

Mayor Campbell then opened the floor to public comments. No one responded and the public comment session was then closed.

There being no further comments, Councilmember Brooks moved to adopt Ordinance 2018-29, annexing the lands belonging to Gilbert and Irene Simpson at 5919 South Rehoboth Boulevard, Tax Parcel 3-30-11.00-043.00, into the City of Milford, seconded by Councilmember Morrow:

ORDINANCE 2018-29  
Annexation of Lands belonging to Gilbert C. & Irene D. Simpson  
5919 South Rehoboth Boulevard  
Tax Parcel 3-30-11.00-043.00  
1.90 +/- Acres

WHEREAS, the City of Milford has been requested to annex the lands, located at 5919 South Rehoboth Boulevard, Milford, Tax Parcel 3-30-11.00-043.00, and set forth in Exhibit A, attached hereto, by the legal owner of the area proposed to be annexed; and

WHEREAS, during their regular meeting on the 18th day of December 2018, the Planning Commission was presented and reviewed the annexation petition; and

WHEREAS, it was determined the requested annexation complies with the City of Milford Comprehensive Land and Future Land Use Map; and

WHEREAS, after a thorough review of the findings submitted by the City of Milford Annexation Committee and a favorable recommendation of Planning Commission, and consideration of any comments from interested persons, the City Council of the City of Milford, at a Special Meeting on this 19th day of December 2018, desires to extend the city boundary lines to include said tract of land.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The boundary of the City of Milford, as presently established, is hereby extended to include by annexation, all that certain tract of land consisting of 1.90 +/- acres, as shown on the plan denoted as Exhibit A, and described by the legal description referred to as Exhibit B, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.

Section 3. Following a favorable vote by City Council, said area shall be included in the geographical and political subdivision of the City of Milford known as Ward 1 beginning on the effective date of this Ordinance.

Section 5. The City Planner is hereby directed to secure a plot of the territory, the legal description of the property and associated Ordinances, as certified by the City Clerk, for recording purposes in the Sussex County Office of the Recorder of Deeds, and in accordance with the Charter of the City of Milford.

Section 6. Dates.

Introduction to City Council: December 10, 2018

Planning Commission Review & Recommendation: December 18, 2018

Adopted by City Council: December 19, 2018

Effective: December 29, 2018

Exhibit A (See attached).

Exhibit B  
LEGAL DESCRIPTION  
GILBERT C. SIMPSON  
IRENE D. SIMPSON  
TAX PARCELS 3-30-11.00-43.00

May 29, 2018

All that piece or parcel of land, hereinafter described, situate, lying and being on the northeasterly side of Business Route 1 and located in the City of Milford, Cedar Creek Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northeasterly right-of-way line of said Business Route 1 with the northwesterly line of the lands of, now or formerly, Jesse C. Webb, Sr. and Joyce L. Webb, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 3349, Page 256; said beginning point being coordinated on the Delaware State Grid as North 330,144.801 feet, East 657,801.748; thence,

1) leaving said Webb lands and running by and with said Business Route 1, North 32 degrees 55 minutes 23 seconds West 211.06 feet to a point on the southeasterly line of the lands of, now or formerly, Janet R. Swain, as recorded in said Office of the Recorder of Deeds in Deed Book 2635, Page 47, thence,

2) leaving said Business Route 1 and running by and with said Swain lands, North 58 degrees 33 minutes 27 seconds East 400.53 feet to a point on the southwesterly line of other lands of, now or formerly, Janet R. Swain, identified as Tax Parcel

3-30-11.00-264.00, thence,

3) leaving said Swain lands and running by and with said other Swain lands, South 32 degrees 56 minutes 20 seconds East 211.09 feet to a point on said northwesterly line of Webb lands, thence,

4) leaving said other Swain lands and running by and with said Webb lands, South 58 degrees 33 minutes 43 seconds West 400.59 feet to the point and place of beginning;

CONTAINING 1.940 acres of land, more or less.

Motion carried unanimously.

Councilmember Brooks moved to adopt Ordinance 2018-30, seconded by Councilmember Morrow:

ORDINANCE 2018-30  
Change of Zone of Annexed Land belonging to Gilbert C. & Irene D. Simpson  
5919 South Rehoboth Boulevard  
Tax Parcel 3-30-11.00-043.00  
1.90 +/- Acres  
Current Zone AR1/Proposed Zone C1

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by adding 1.90 +/- acres of newly annexed lands and changing the zoning classification from AR1 (Sussex County-Agricultural Residential) to C1 (City of Milford-Community (Neighborhood) Commercial) at 5919 South Rehoboth Boulevard, Milford, Delaware.

WHEREAS, in accordance with Title 22 of the Delaware State Code and Chapter 230 of the City of Milford Code, the City provided public notice by advertisement in the Delaware State News and the Milford Beacon and by mailing public notices to property owners within a 200-foot radius of the site of the property being considered for a change of zone; and

WHEREAS, on Tuesday, December 18, 2018, the Planning Commission held the noticed public hearing during which interested persons had an opportunity to testify in support of, or opposition to, the proposed zoning change, after which a recommendation by favorable vote of the Commissioners was made; and

WHEREAS, City Council has considered all evidence presented, public comments and the Planning Commission's recommendation at their hearing on Wednesday, December 19, 2018, and have deemed it to be in the best interest of the City of Milford to allow the change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, Tax Parcel 3-30-11.00-043.00, owned by Gilbert C. & Irene D. Simpson, Tax Parcel 3-30-11.00-043.00, addressed at 5919 South Rehoboth Boulevard, is hereby zoned C1-Community (Neighborhood) Commercial District.

Dates:

City Council Introduction: December 10, 2018

Planning Commission Review & Public Hearing: December 18, 2018

City Council Public Hearing & Adoption: December 19, 2018

Effective: December 29, 2018

Motion carried unanimously by the following roll call vote:

Boyle-votes yes stating that it is consistent with the City's comp plan and the development of that property will help overall area.

Peel-votes yes and agrees with the Annexation Committee recommendation and the comprehensive plan.

Culotta-votes yes for the same reasons as were stated.

Brooks-votes yes for the same reasons stated.

Morrow-votes yes in agreement with the previous statements in addition to the request receiving a unanimous vote of the Planning Commission.

Wilson-votes yes and agrees with Councilman Morrows' reasons.

*ORDINANCE 2018-32*

*ORDINANCE 2018-33*

*Annexation of Lands belonging to Derek R. Parker and Shawn L. Bernhard*

*Change of Zone of Annexed Lands*

*7195 Cedar Creek Road, Lincoln, DE 19960*

*Tax Parcel 3-30-11.00-006.15*

*1.01 +/- Acres*

*Current Zone AR1/Proposed Zone C3*

Planning Director Pierce reviewed the annexation request of lands belonging to Derek Parker and Shawn Bernhard located at 7195 Cedar Creed Road, Lincoln, on behalf of Applicant Bright Nest LLC.

The comprehensive plan for the property is commercial. The current county zoning is AR1 and the applicant is seeking a C3 highway commercial designation. The existing single family dwelling on the property will be converted to a medical office building upon annexation.

The packet includes a signed Annexation Committee report from September 24, 2018, whose members recommended the annexation move forward. Also included is the future land use exhibit illustrating it is consistent with the comprehensive plan. A signed annexation/plan of services agreement is also included.

The State Planning Office reviewed the plan and accepted it in accordance with State law.

The Planning Commission recommended approval of the annexation and the change of zone by unanimous vote at their meeting last evening.

DBF Principal/PE Ring Lardner was present on behalf of this application as well. He noted that Applicant Dr. Noel Anupol and his wife Jenn of Bright Nest LLC were also in attendance.

He again requested the Planning Director's comments be made part of the record and part of his testimony.

Mr. Lardner reported the applicant is requesting the property be zoned C3 to be consistent with the surrounding zoning. The parcel to the east is the former Hall property annexed approximately ten years ago with a C3 designation and the Bayhealth Campus now has an institutional use and is scheduled to open in February 2019.

It is the applicant's intent to convert the single family dwelling into a medical office. DBF is currently working with Dr. Anupol on the conversion.

The parcel is currently accessed by Cedar Creek Road/SR 30 and will be reviewed by DeIDOT as is required by the conversion from a single family into a medical use.

The parcel is currently served by an on sight septic system and well. The intent is to use both systems though they are evaluating a small grinder pump to tie into the sewer system as the force main runs along the frontage of his property. The plan of services was prepared and approved and the annexation agreement has been signed and was delivered to the City.

Mr. Lardner again respectfully requests City Council agree to annex the parcel into the City of Milford with a C3 zoning.

Mayor Campbell then opened the floor to public comments. No one responded and the public comment session was then

closed.

There being no further comments, Councilmember Wilson moved to adopt Ordinance 2018-32, seconded by Councilmember Brooks:

ORDINANCE 2018-32  
 Annexation of Lands belonging to Derek R. Parker and Shawn L. Bernhard  
 7195 Cedar Creek Road, Lincoln, DE 19960  
 Tax Parcel 3-30-11.00-006.15  
 1.01+/- Acres

WHEREAS, the City of Milford has been requested to annex the lands, located at 7195 Cedar Creek Road, Lincoln, Delaware, Tax Parcel 3-30-11.00-006.15 and set forth in Exhibit A, attached hereto, by the legal owner of the area proposed to be annexed; and

WHEREAS, during their regular meeting on the 18th day of December 2018, the Planning Commission was presented and reviewed the annexation petition; and

WHEREAS, it was determined the requested annexation complies with the City of Milford Comprehensive Land and Future Land Use Map; and

WHEREAS, after a thorough review of the findings submitted by the City of Milford Annexation Committee and a favorable recommendation of Planning Commission, and consideration of any comments from interested persons, the City Council of the City of Milford, at a Special Meeting on this 19th day of December 2018, desires to extend the city boundary lines to include said tract of land.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The boundary of the City of Milford, as presently established, is hereby extended to include by annexation, all that certain tract of land consisting of 1.01 +/- acres, as shown on the plan denoted as Exhibit A, to be zoned as C3 (Highway Commercial) and described by the legal description referred to as Exhibit B, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.

Section 3. Following a favorable vote by City Council, said area shall be included in the geographical and political subdivision of the City of Milford known as Ward 1 beginning on the effective date of this Ordinance.

Section 5. The City Planner is hereby directed to secure a plot of the territory, the legal description of the property and associated Ordinances, as certified by the City Clerk, for recording purposes in the Sussex County Office of the Recorder of Deeds, and in accordance with the Charter of the City of Milford.

Section 6. Dates.

Introduction to City Council: December 10, 2018

Planning Commission Review & Recommendation: December 18, 2018

Adopted by City Council: December 19, 2018

Effective: December 29, 2018

Exhibit A (see attached).

Exhibit B  
 LEGAL DESCRIPTION  
 LANDS OF  
 DEREK R. PARKER & SHAWN L. BERNHARD

## TAX PARCEL 3-30-11.00-6.15

August 10, 2018

BEING all that piece or parcel of land, hereinafter described, situate, lying and being located in Cedar Creek Hundred, Sussex County, Delaware; as shown on a plot entitled, "Boundary Survey of lands of Derek R. Parker & Shawn L. Bernhard" prepared by Davis, Bowen & Friedel, Inc., dated August 2018, said piece or parcel of land being more particularly described as follows:

BEGINNING at an iron rod with cap found at a point on the easterly right-of-way line of Cedar Creek Road, said beginning point being formed by the intersection of the southerly line of lands of, now or formerly, Bayhealth Medical Center, Inc., as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 4890, Page 125, with the easterly right-of-way line of Cedar Creek Road; thence,

- 1) leaving said right-of-way line of Cedar Creek Road and running by and with said Bayhealth lands, the following 2 courses and distances, North 75 degrees 14 minutes 26 seconds East 290.00 feet to a point; thence,
- 2) South 13 degrees 31 minutes 22 seconds East 153.24 feet to a point on the northerly line of lands of, now or formerly, Albert T. & Beverly J Coverdale, Trustee, as recorded in said Office of the Recorder of Deeds in Deed Book 2421, Page 89; thence,
- 3) leaving said Bayhealth lands and running by and with said Coverdale lands, South 75 degrees 51 minutes 31 seconds West 287.52 feet to a point on the aforementioned right-of-way line of Cedar Creek Road; thence,
- 4) leaving said Coverdale lands and running by and with said right-of-way line of Cedar Creek Road, along a curve to the left, having a radius of 13917.52 feet, an arc length of 150.11 feet and a chord bearing and distance of North 14 degrees 27 minutes 00 seconds West 150.11 feet to the point and place of beginning;

CONTAINING 43,773 square feet of land, more or less.

Motion carried by unanimous vote with Councilwoman Peel abstaining due to a personal conflict.

Councilmember Brooks moved to adopt Ordinance 2018-33, seconded by Councilmember Boyle, changing the zone of the newly annexed property to C-3:

ORDINANCE 2018-33  
Change of Zone of Annexed Land Derek R. Parker and Shawn L. Bernhard  
7195 Cedar Creek Road, Lincoln, DE 19960  
Tax Parcel 3-30-11.00-006.15  
Current Zone AR1/Proposed Zone C3

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 1.01 +/- acres of newly annexed lands from AR1 (Sussex County-Agricultural Residential) to C3 (City of Milford-Highway Commercial) at 7195 Cedar Creek Road, Lincoln, DE 19960.

WHEREAS, in accordance with Title 22 of the Delaware State Code and Chapter 230 of the City of Milford Code, the City provided public notice by advertisement in the Milford Beacon and by mailing public notices to property owners within a 200-foot radius of the site of the property being considered for a change of zone; and

WHEREAS, on Tuesday, December 18, 2018, the Planning Commission held the noticed public hearing during which interested persons had an opportunity to testify in support of, or opposition to, the proposed zoning change, after which a recommendation by favorable vote of the Commissioners was made; and

WHEREAS, City Council considered evidence presented, public comments and the Planning Commission's recommendation at their hearing on Wednesday, December 19, 2018, and have deemed it to be in the best interest of the City of Milford to allow

the change of zone as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, Tax Parcel 3-30-11.00-006.15, owned by Derek R. Parker and Shawn L. Bernhard and addressed at 7105 Cedar Creek Road, Lincoln, Delaware, is hereby zoned C3 (Highway Commercial).

Dates:

City Council Introduction: December 10, 2018

Planning Commission Review & Public Hearing: December 18, 2018

City Council Public Hearing & Adoption: December 19, 2018

Effective: December 29, 2018

Motion carried unanimously by the following roll call vote, with Councilmember Peel abstaining as was done in the previous motion:

Boyle-votes yes stating that it makes sense considering the hospital's location and considering the unanimous favorable recommendation of the Planning Commission.

Culotta-votes yes based on the recommendation of the Planning Commission.

Brooks-votes yes for the same reasons stated by Councilmember Culotta.

Morrow-votes yes for the reasons previously stated.

Wilson-votes yes based on the recommendation of the Annexation Committee and the Planning Commission.

Mr. Lardner thanked City Staff and the Mayor and Council for scheduling a special meeting this evening.

ADJOURNMENT

There being no further business, Councilmember Brooks moved to adjourn the Council Meeting, seconded by Councilmember Morrow. Motion carried.

The Council Meeting adjourned at 5:46 p.m.

Respectfully submitted,



Terri K. Hudson, MMC  
City Clerk/Recorder

Attachments:

Ordinance 2018-29 Exhibit A (Simpson)

Ordinance 2018-32 Exhibit A (Parker & Bernhard)

*City of Milford Ordinance & Annexation Petition Review*

NOTICE IS HEREBY GIVEN THE FOLLOWING ORDINANCE IS UNDER REVIEW BY THE PLANNING COMMISSION AND CITY COUNCIL OF THE CITY OF MILFORD:

**ORDINANCE 2018-29**

Annexation of Lands belonging to Gilbert C. & Irene D. Simpson  
5919 South Rehoboth Boulevard  
Tax Parcel 3-30-11.00-043.00  
1.90 +/- Acres

WHEREAS, the City of Milford has been requested to annex the lands, located at 5919 South Rehoboth Boulevard, Milford, Tax Parcel 3-30-11.00-043.00, and set forth in Exhibit A, attached hereto, by the legal owner of the area proposed to be annexed; and

WHEREAS, during their regular meeting on the 18<sup>th</sup> day of December 2018, the Planning Commission was presented and reviewed the annexation petition; and

WHEREAS, it was determined the requested annexation complies with the City of Milford Comprehensive Land and Future Land Use Map; and

WHEREAS, after a thorough review of the findings submitted by the City of Milford Annexation Committee and a favorable recommendation of Planning Commission, and consideration of any comments from interested persons, the City Council of the City of Milford, at a Special Meeting on this 19<sup>th</sup> day of December 2018, desires to extend the city boundary lines to include said tract of land.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The boundary of the City of Milford, as presently established, is hereby extended to include by annexation, all that certain tract of land consisting of 1.90 +/- acres, as shown on the plan denoted as Exhibit A, and described by the legal description referred to as Exhibit B, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.

Section 3. Following a favorable vote by City Council, said area shall be included in the geographical and political subdivision of the City of Milford known as Ward 1 beginning on the effective date of this Ordinance.

Section 5. The City Planner is hereby directed to secure a plot of the territory, the legal description of the property and associated Ordinances, as certified by the City Clerk, for recording purposes in the Sussex County Office of the Recorder of Deeds, and in accordance with the Charter of the City of Milford.

Section 6. Dates.

Introduction to City Council: December 10, 2018

Planning Commission Recommendation: December 18, 2018

Adopted by City Council: December 19, 2018

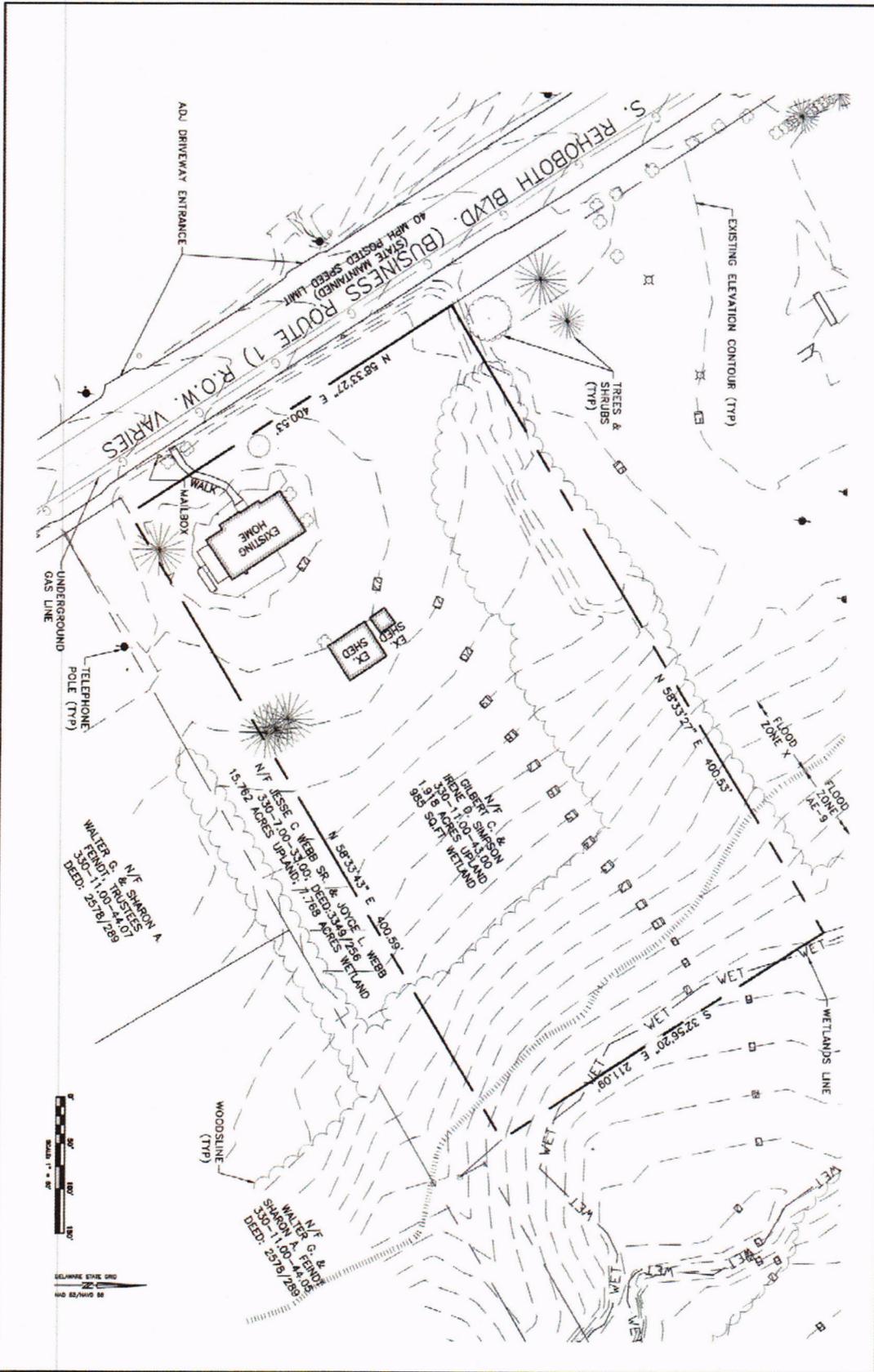
Effective: December 29, 2018

*Advertised:*

*Delaware State News 11-21-2018*

*Milford Beacon 11-28-2018*

# Exhibit A



THIS PLAN IS THE PROPERTY OF DAVIS, BORDEN & FRIEDEL, INC. AND SHALL BE KEPT IN THE OFFICE OF SAID ENGINEERS AND SURVEYORS. NO PART OF THIS PLAN SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DAVIS, BORDEN & FRIEDEL, INC.

<b>B-01</b>	DATE	
	BY	
	FOR	
	SCALE	

**SIMPSON PROPERTY ANNEXATION**  
**CITY OF MILFORD**  
**SUSSEX COUNTY, DELAWARE**


**DAVIS, BORDEN & FRIEDEL, INC.**  
 ARCHITECTS, ENGINEERS & SURVEYORS  

 1000 MARKET STREET, SUITE 200  
 MILFORD, DELAWARE 19968  
 PHONE: 302-424-1441

**BOUNDARY PLAN**

*City of Milford Ordinance & Annexation Petition Review*

NOTICE IS HEREBY GIVEN THE FOLLOWING ORDINANCE IS UNDER REVIEW BY THE PLANNING COMMISSION AND CITY COUNCIL OF THE CITY OF MILFORD:

**ORDINANCE 2018-32**

Annexation of Lands belonging to Derek R. Parker and Shawn L. Bernhard  
7195 Cedar Creek Road, Lincoln, DE 19960  
Tax Parcel 3-30-11.00-006.15  
1.01+/- Acres

WHEREAS, the City of Milford has been requested to annex the lands, located at 7195 Cedar Creek Road, Lincoln, Delaware, Tax Parcel 3-30-11.00-006.15 and set forth in Exhibit A, attached hereto, by the legal owner of the area proposed to be annexed; and

WHEREAS, during their regular meeting on the 18<sup>th</sup> day of December 2018, the Planning Commission was presented and reviewed the annexation petition; and

WHEREAS, it was determined the requested annexation complies with the City of Milford Comprehensive Land and Future Land Use Map; and

WHEREAS, after a thorough review of the findings submitted by the City of Milford Annexation Committee and a favorable recommendation of Planning Commission, and consideration of any comments from interested persons, the City Council of the City of Milford, at a Special Meeting on this 19<sup>th</sup> day of December 2018, desires to extend the city boundary lines to include said tract of land.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The boundary of the City of Milford, as presently established, is hereby extended to include by annexation, all that certain tract of land consisting of 1.01 +/- acres, as shown on the plan denoted as Exhibit A, to be zoned as C3 (Highway Commercial) and described by the legal description referred to as Exhibit B, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.

Section 3. Following a favorable vote by City Council, said area shall be included in the geographical and political subdivision of the City of Milford known as Ward 1 beginning on the effective date of this Ordinance.

Section 5. The City Planner is hereby directed to secure a plot of the territory, the legal description of the property and associated Ordinances, as certified by the City Clerk, for recording purposes in the Sussex County Office of the Recorder of Deeds, and in accordance with the Charter of the City of Milford.

Section 6. Dates.

Introduction to City Council: December 10, 2018

Planning Commission Recommendation: December 18, 2018

Adopted by City Council: December 19, 2018

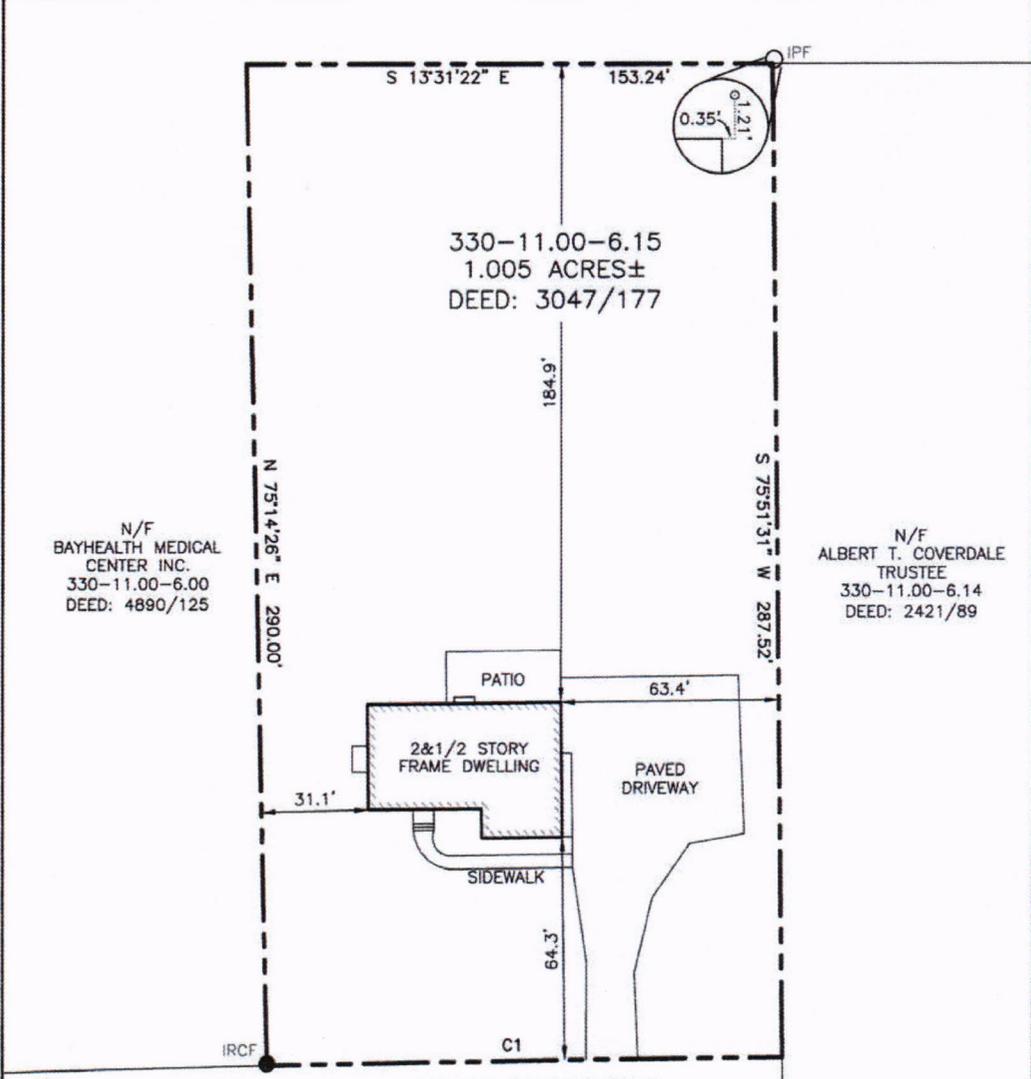
Effective: December 29, 2018

*Advertised:*

*Milford Beacon 11-28.2018*

# Exhibit A

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA
C1	13917.52	150.11	150.11	N 14°27'00" W	0°37'05"



N/F  
BAYHEALTH MEDICAL  
CENTER INC.  
330-11.00-6.00  
DEED: 4890/125

N/F  
ALBERT T. COVERDALE  
TRUSTEE  
330-11.00-6.14  
DEED: 2421/89

CEDAR CREEK ROAD  
(DE-30 R.O.W. VARIES)

DELAWARE STATE GRID  
NAD 83

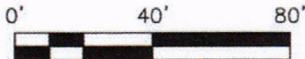
## ENGINEER'S STATEMENT

I, RING W. LARDNER, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE; THAT THE PARCELS CLOSE AS DESCRIBED AND THAT THERE ARE NO OVERLAPS OR GAPS.

RING W. LARDNER, P.E.  
DAVIS, BOWEN & FRIEDEL, INC.  
1 PARK AVENUE  
MILFORD, DELAWARE, 19963



9/6/2018  
DATE



**dbf** DAVIS, BOWEN & FRIEDEL, INC. ARCHITECTS ENGINEERS SURVEYORS  
SALISBURY, MARYLAND (410) 843-9091  
MILFORD, DELAWARE (302) 424-1441  
EASTON, MARYLAND (410) 770-4744

**BOUNDARY SURVEY PLAN**  
of the Lands of  
**DEREK R. PARKER & SHAWN L. BERNHARD**  
CEDAR CREEK HUNDRED  
SUSSEX COUNTY, DELAWARE  
Date: 9/5/18 Scale: 1"=40' Proj.No.: 3027A002