



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

CITY COUNCIL AGENDA July 22, 2024

This meeting is also available for viewing by the public by accessing the following link:

<https://zoom.us/j/92231361250>

or

<http://www.cityofmilford.com/553/Watch-Public-Meetings>

Members of the public may also dial in by phone using the following number:

Call 301 715 8592 Webinar ID: 922 3136 1250

5:30 P.M.

15-Minute Public Comment Period*

Virtual attendees must register prior to start time of meeting by calling 302-422-1111 Extension 1300 or 1303, or by sending an email to cityclerk@milford-de.gov and providing your name, address, phone number, and item name and/or description you wish to comment on. Persons in attendance wishing to speak must sign up prior to the start of the Council Meeting.

ANNEXATION COMMITTEE

Call to Order – Chairman Katrina Wilson

New Business

Review & Recommendation:

Annexation/Lands belonging to Crystal Lynch Kenton, Melissa Lynch, Yvonne Lynch SE Corner of Coastal Highway (SR1) & New Wharf Road, Milford, DE 19963 Kent County Tax Map No(s): MD-00-174.00-02-64.01 75.79 +/- Acres Current Zone: Agricultural Residential (AR-1) Proposed Zone: R-1 (Single-family Residential)

Adjournment

All items on the 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.**

ANNEXATION/WITHDRAWAL PETITION

Property Owner(s): Crystal Lynch Kenton, Melissa Lynch, Yvonne Lynch

Parcel ID#: 5-00-17400-02-6401-00001

Property Address: N E Front Street (New Wharf Road), Milford, DE

Owner's Mailing Address: 15997 Winners Circle, Lincoln, DE 19960

Phone #: _____

Description of Property for Annexation (location, dimensions, zoning): _____

The Site is located on the southeast corner of the Route 1 off ramp for New Wharf Road (N E Front Street) and is approximately 75.79 acres in size. It is currently zoned AR in Kent County. The site includes uplands and wetlands. The wetlands are located along the Mispillion River which forms the eastern border of the property.

Purpose of Annexation/Withdrawal: The purpose of the annexation is to become part of the City of Milford and zoned R1 with a PUD overlay. This is consistent with the City of Milford's Comprehensive Plan that designates this parcel as a low-density residential area within the City's growth zone. It is also a means of creating a superior living environment and provides an innovative and sustainable design, achieving the goals of the Comprehensive Plan.

Proposed Zoning for Parcel: R1 with a PUD overlay

Comprehensive Plan Designation: Low Density Residential

I, the undersigned, hereby certify that I have supplied all the information listed on this application form including a copy of a survey of the property with adjoining properties listed and that statements contained in any papers or plans submitted as part of this application are true and correct. I also certify that I, or an agent on my behalf, will attend all public hearings/meetings necessary for this application, and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, prosperity and general welfare of the residents of the City of Milford.


Applicant Signature

5/15/24
Date


Owner Signature

dotloop verified
06/02/24 10:27 PM EDT
XKY7-ABMU-VNLC-KGZM

Witness/Date


Owner Signature

dotloop verified
06/04/24 2:09 PM EDT
RGG-PHVD-JCBD-0VGR

Witness/Date


Owner Signature

dotloop verified
06/04/24 2:07 PM EDT
4LLB-FS22-OKBJ-N9X5

Witness/Date



Land Use Application Cover Sheet

File Name: _____

Date Stamp

File Number: _____

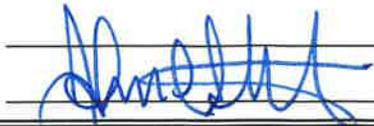
Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

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

- | | | |
|----------------------------------------------------|--------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Preliminary Site Plan | <input type="checkbox"/> Preliminary Major Subdivision | <input type="checkbox"/> Final Minor Subdivision |
| <input type="checkbox"/> Final Site Plan | <input type="checkbox"/> Final Major Subdivision | <input type="checkbox"/> Variance/Appeal |
| <input checked="" type="checkbox"/> Change of Zone | <input type="checkbox"/> Conditional Use | <input checked="" type="checkbox"/> Annexation |

Please Type or Print Legibly

Property Owner(s): Crystal Lynch Kenton, Melissa Lynch, Yvonne Lynch			Phone:
Address: 15997 Winners Circle			Cell:
City: Lincoln	State: DE	Zip: 19960	Fax:
E-Mail:			
Applicant Name and Company: Ribera Development, LLC			Phone: 443-871-0486
Address: 8684 Veterans Highway			Cell:
City: Millersville	State: MD	Zip: 21108	Fax:
E-Mail: johnstamato@riberdev.com			
Surveyor or Engineer: Pennoni Associates			Phone: 302-684-8030
Address: 18072 Davidson Drive			Cell:
City: Milton	State: DE	Zip: 19968	Fax:
E-Mail: MDavidson@pennoni.com			
Site Address: New Wharf Road			Zoning: AR (Kent County)
Tax Map & Parcel Number(s): 5-00-17400-02-6401-00001			Acreeage: 75.79 +/-
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. I/We acknowledge that we are responsible for any and all professional service costs (i.e. legal, engineering construction plan review) associated with the project per the City Code and adopted fee schedule.			
Signature of Property Owner(s): 			Date:
Signature of Applicant(s): 			Date: 5/15/24
Office Use Only: <input type="checkbox"/> Current on Utilities <input type="checkbox"/> Current on Taxes <input type="checkbox"/> No Outstanding Violations			

REVISED: 05.2022



Land Use Application Cover Sheet Continued

File Name: _____

File Number: _____

Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted/processed if violations exist or if any fees are owed to the City.

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. I/We acknowledge that we are responsible for any and all professional service costs (i.e. legal, engineering construction plan review) associated with the project per City Code and adopted fee schedule.

Yvonne R. Lynch dotloop verified
06/04/24 2:09 PM EDT
89W0-5HFS-R4PV-EW8H

Owner Signature

Witness/Date

Crystal K. Lynch dotloop verified
06/04/24 2:07 PM EDT
NUBG-9CPU-04DM-SSCV

Owner Signature

Witness/Date

Melissa Lynch dotloop verified
06/05/24 8:28 PM EDT
CJPK-NUB0-JQHA-YLWQ

Owner Signature

Witness/Date



Annexation Application

File Name: _____

Date Stamp

File Number: _____

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 (Kent County) **Requested Zoning:** R1(PUD) (Milford) **Comprehensive Plan Designation:** Low-Density Residential

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, 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 Planning Department Fee Schedule.		

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:

Melissa Lynch dotloop verified
06/02/24 10:27 PM EDT
Y6DB-ORVW-Q6YY-LDQX

Signature of Applicant:

[Handwritten Signature] Date: 5/15/24

REVISED: 05.2022



Annexation Application Continued

File Name: _____

File Number: _____

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.

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.

Yvonne R. Lynch dotloop verified
06/04/24 2:09 PM EDT
PDV9-KHP1-UNRM-YQPY

Owner Signature

Witness/Date

Crystal K. Lynch dotloop verified
06/04/24 2:07 PM EDT
VTGJ-GNS6-TJZF-2XBZ

Owner Signature

Witness/Date



TO: Mayor & Council Members
FROM: Annexation Committee
DATE: July 22, 2024
RE: Annexation Committee Report – Lynch Property

A public meeting was held in Council Chambers on July 22, 2024 to consider the annexation request for lands described as:

Property Owner:	Lynch Property
Location:	SE Corner of Coastal Highway (SR1) & New Wharf Road
Size:	75.79 +/- acres
Existing Zoning:	AR – Agricultural Residential (Kent County)
Proposed Zoning:	R-1 (Single-family Residential)
Tax Map and Parcel Number:	MD-00-174.00-02-64.01

APPLICANT

A petition by the property owners and applicant was submitted on June 18, 2024 to annex 75.79 +/- acres of land into the City of Milford.

LOCATION

The property is identified as Kent County Tax Parcel(s) MD-00-174.00-02-64.01 and is located at the southeast corner of Coastal Highway (SR1) and New Wharf Road.

STREETS

Coastal Highway (SR1) and New Wharf Road are State maintained roadways and access would require approval from DelDOT. It is anticipated that the development would gain access from New Wharf Road. Roads within the development would be constructed by the developer. Long-term maintenance of the internal roadways would be by the City of Milford once the roads are dedicated and accepted by the City.

DRAINAGE

The property is currently undeveloped and any future development of the property would be subject to DNREC stormwater regulations. The owner would be required to obtain any and all permits from the Kent Conservation District and State of Delaware.

ZONING

The area proposed to be annexed is currently zoned AR (Agricultural Residential) in Kent County. The applicant requests the property be zoned R-1 (Single-family Residential) under the City of Milford zoning ordinance. The applicant anticipates submitting a conditional use application for a planned unit development with the major subdivision application.

SEWER

The developer would be required to construct a sewage pumping station and force main that would connect to existing City infrastructure along NE Front Street, west of Coastal Highway (SR1). The developer would be responsible for any required upgrades and utility extensions to serve the proposed development on the site. 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. A more detailed Utility Feasibility Study will be required prior to processing the preliminary major subdivision application.

WATER

The property would be served by the existing 10" water main that is located along New Wharf Road. The developer would be responsible for any required upgrades and utility extension to serve the proposed development of the site. 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. A more detailed Utility Feasibility Study will be required prior to processing the preliminary major subdivision application.

ELECTRIC

The property would be served by City of Milford electric utility. All costs associated with the design and construction of electric improvements would be borne by the applicant. Any construction improvements would need to be reviewed and approved by the City Electric Department.

TRAFFIC

The property is located along New Wharf Road and Coastal Highway (SR1) which are State maintained roadways. Development of the property would require a Letter of No Objection to Recordation from DelDOT related to traffic impacts.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers and/or DNREC would control provisions related to existing wetlands on the parcel. According to the DNREC Navigator website, the property appears to contain wetlands along the south and east extents of the property, adjacent to the Mispillion River. Additionally, the same portion of the site is impacted by the 100-year floodplain with a base flood elevation between 9 and 10 feet above sea level, 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. Development of the property would require adherence to the City's riparian buffer standards and floodplain regulations.

AREA LAND USES

The property is bound on the south by the Mispillion River and agricultural land in Sussex County's AR-1 zoning district. The property is bound on the west by Coastal Highway (SR1) and land zoned C-3 (Highway Commercial District) within the City of Milford. The property to the east is an existing agricultural property zoned AR (Agricultural Residential) in Kent County. The properties to the north contain single-family detached dwellings zoned RS-1 (Single-family Residential) in Kent County.

FIRE AND POLICE

Carlisle Volunteer Fire Company 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 amended 2018 Comprehensive Plan Future Land Use Plan and is designated as Proposed Low Density Residential. R-1 is an allowable zone in the comprehensive plan's future land use and zoning link table.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The proposed annexation would generate new property tax revenue. Development of the property would provide additional electric, water and sewer revenue.

ADVANTAGES TO THE CITY

1. The property is within the planning area of the City of Milford.
2. The City would receive revenues (property tax, building permits, etc.) associated with development of the property.
3. Potential for additional water, sewer and electric users.
4. Identified within the Urban Growth Boundary of the 2018 Comprehensive Plan.
5. The proposed zoning is consistent with the 2018 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 is subject to review by the City of Milford Planning Commission and/or City Council.
4. Property will be served by City water, sewer and electric.
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)

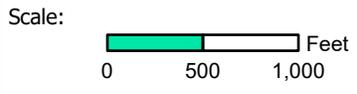
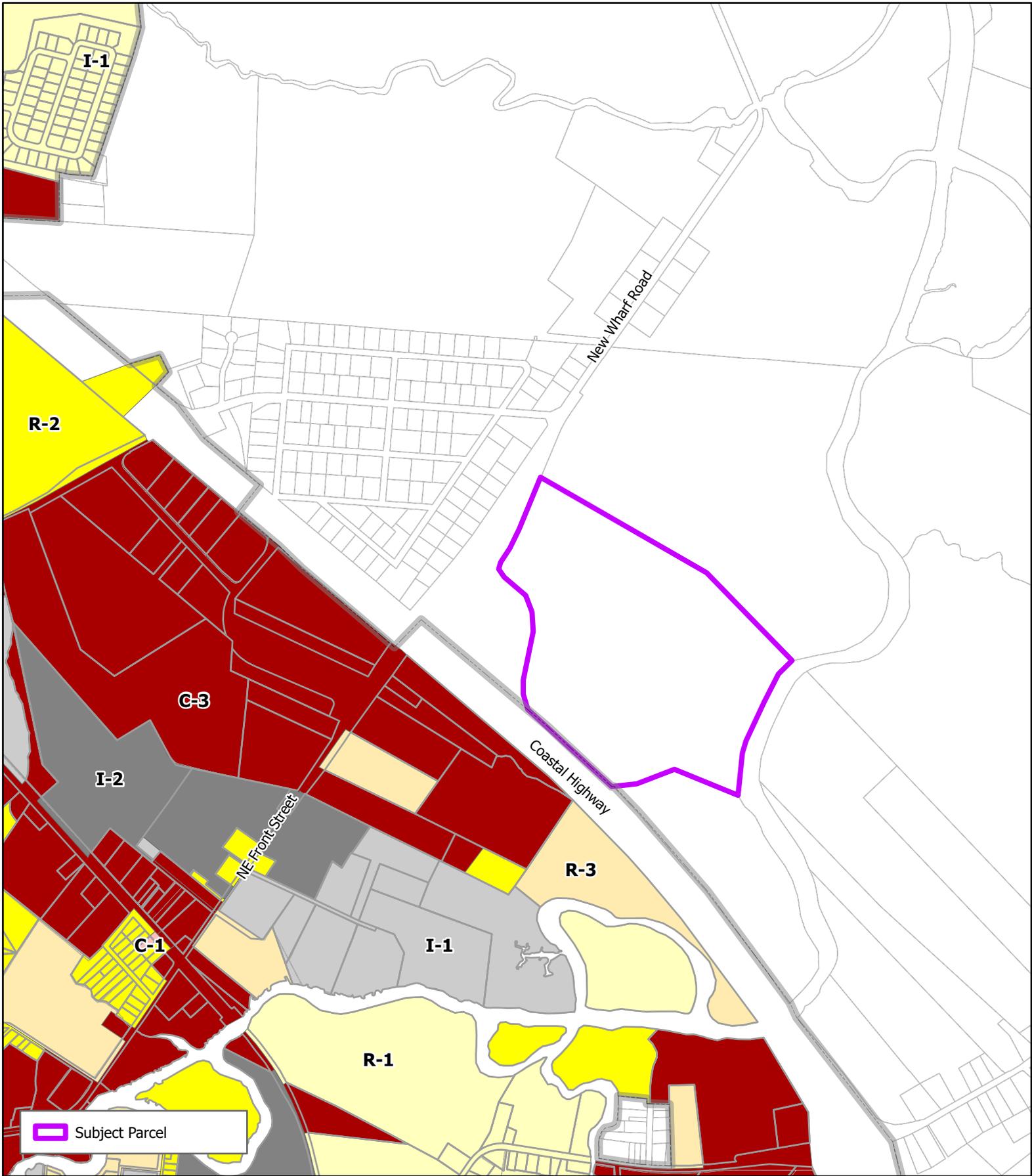
Council Representative/Committee Chairman	Date
-------------------------------------------	------

Council Representative	Date
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Council Representative	Date
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Council Representative	Date
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Planning Commission Chairman	Date
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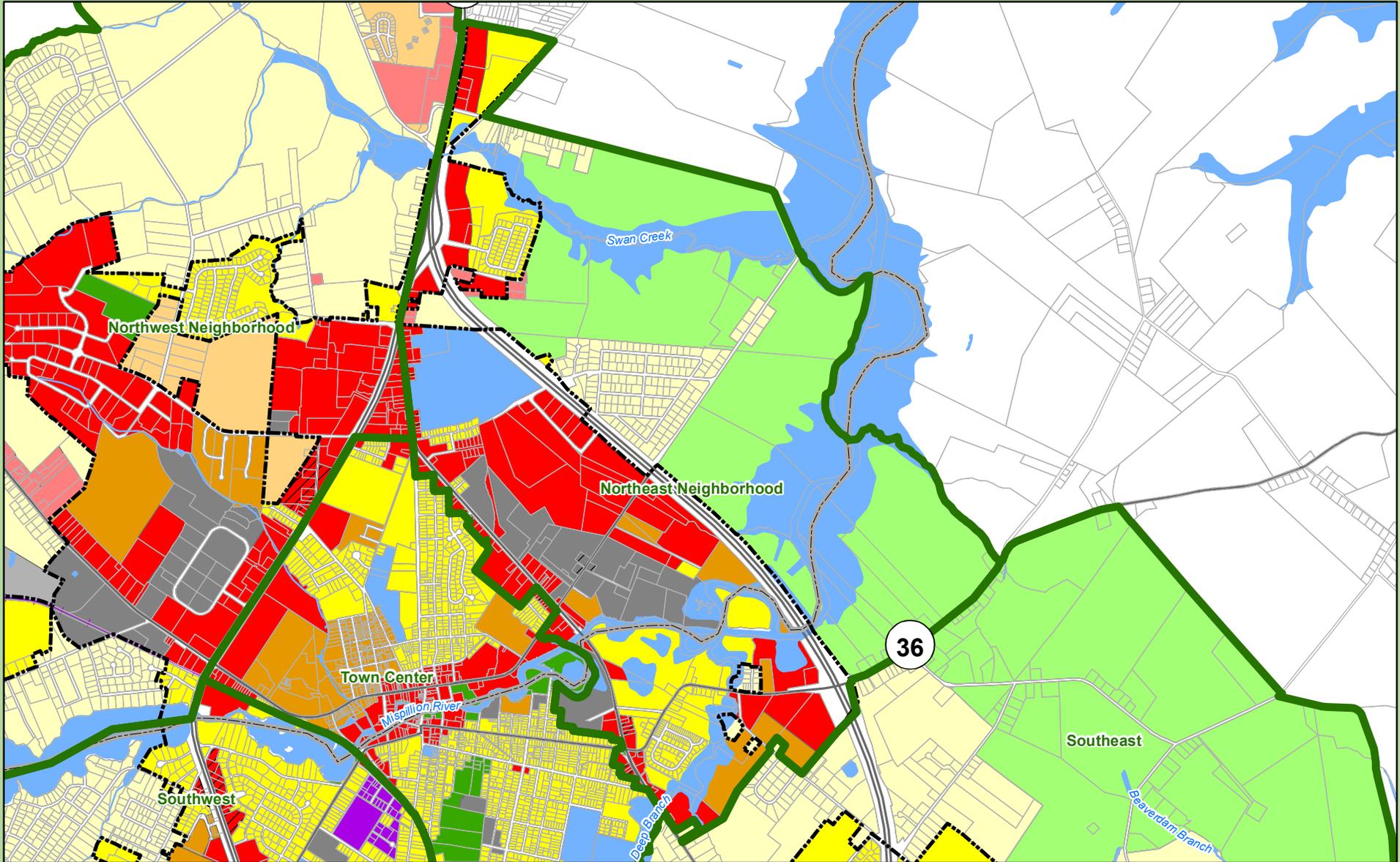


Drawn by: WRP Date: 07/15/24

Title:

**Annexation
Lynch Property
Location & Zoning Map**

Filepath: Annexation_Lynch.aprx



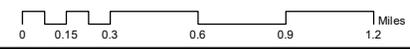
Neighborhoods	Employment	Municipal Boundary
Land Use Type	Proposed Employment	County Boundaries
Open Space	Institutional	State Parcels
Proposed Open Space	Commercial	Routes
Low Density Residential	Proposed Commercial	Rail Lines
Proposed Low Density Residential	Industrial	Hydrology
Moderate Density Residential	Proposed Industrial	Bodies of Water
Proposed Moderate Density Residential	Transition Area	

City of Milford, Delaware

Future Land Use

Northeast Neighborhood

Adopted Jan. 22, 2018, Certified TBD



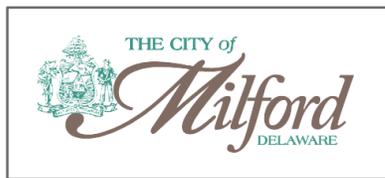
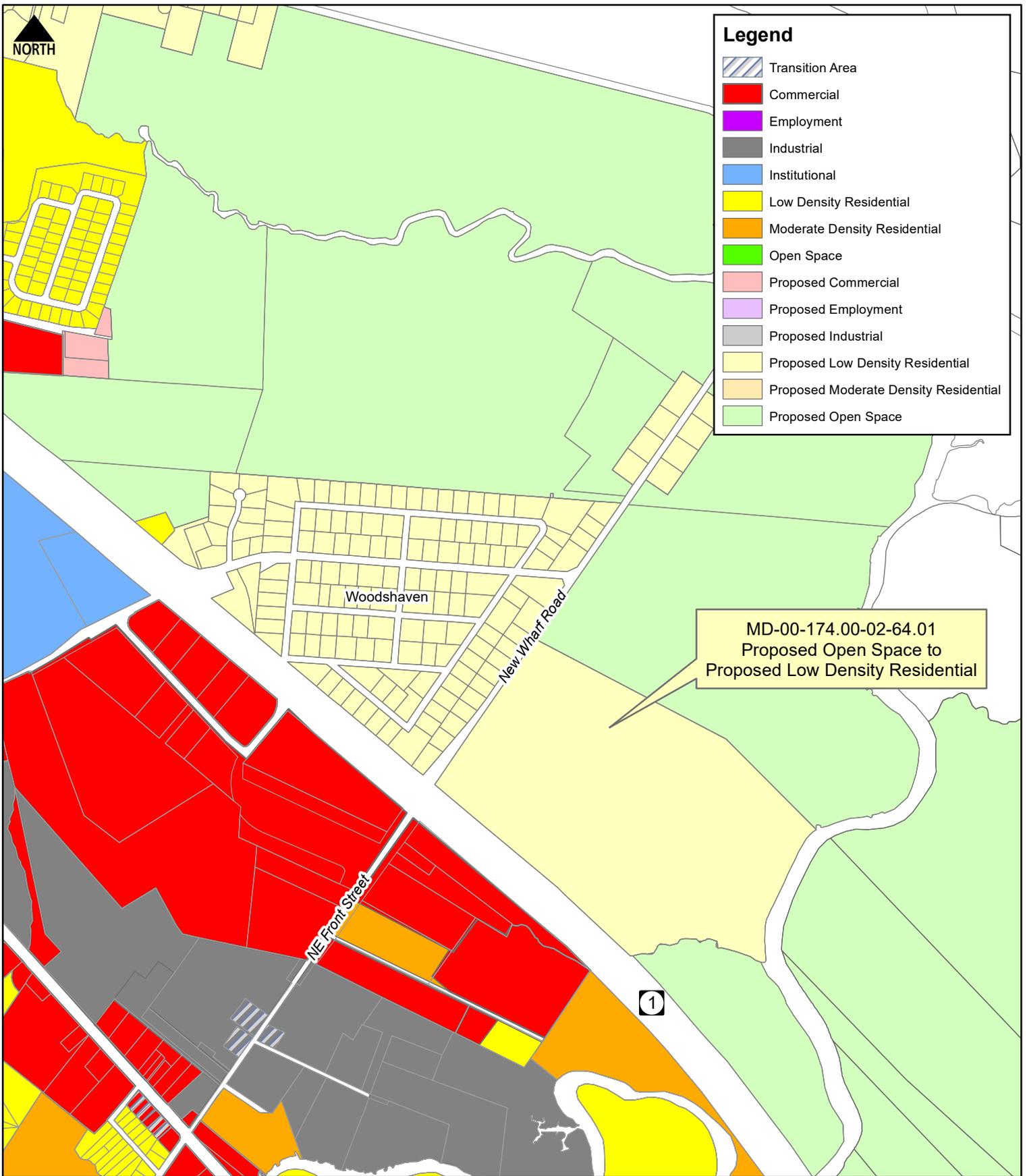
Sources:

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.



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 Institute for Public Administration



Scale: 0 500 1,000 Feet

Drawn by: WRP Date: 05/19/21

Title: Exhibit D
2021 Comprehensive Plan Amendment
Future Land Use Map

Filepath: 2021_CompPlanAmendment_ExhibitD

Tax Parcel No. MD-00-174.00-02-64.01

Prepared by: Planning & Zoning

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

Return to: The Honorable F. Todd Culotta, Mayor

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

LYNCH PROPERTY
PLAN OF SERVICES AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2024, by and between CRYSTAL LYNCH KENTON, MELISSA LYNCH, YVONNE LYNCH LTR (hereinafter “LYNCH”) located at 15997 Winners Circle, Lincoln, DE 19960, 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, LYNCH is the record title owner of a parcel of land consisting of 75.79 acres, more or less, lying contiguous to the City of Milford, said tract identified on the Kent County, Delaware tax maps as Tax Parcel No. MD-00-174.00-02-64.01, said tract hereinafter referred to as “LYNCH PROPERTY”.

LYNCH is desirous of having the LYNCH 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 Planning Director), 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 Use Maps of the 2018 Comprehensive Plan, as amended.
- C. Recognizing that LYNCH’S request for annexation is unilateral (in that the City cannot annex the LYNCH PROPERTY unless LYNCH 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 LYNCH 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 LYNCH'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 LYNCH 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 75.79 acres, more or less, said tract identified on the Kent County, Delaware tax maps as Tax Parcel No. MD-00-174.00-02-64.01.

The hereinabove described parcel of land is more fully depicted on that certain Survey "Boundary Survey Plan" dated April 2, 2024, prepared by Pennoni 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, LYNCH agrees that the LYNCH PROPERTY will be connected to the City water distribution system and to the City's sanitary sewer system, treatment of which is provided by Kent County, if and when the property is developed. The parties agree that LYNCH would be responsible for the costs to design and construct any utility extensions and service connections needed to serve the LYNCH PROPERTY. LYNCH agrees to execute any documents needed for the City to obtain Certificate of Public Convenience and Necessity (CPCN) rights.
4. Electric Distribution System. Notwithstanding any other provisions or requirements under any City ordinance or regulation, LYNCH agrees that the LYNCH PROPERTY will be connected to the City electric distribution system if and when the property is developed. The parties agree that LYNCH would be responsible for the costs to design and construct any utility extensions and service

connections needed to serve the LYNCH PROPERTY. LYNCH agrees to execute any documents needed for the City to obtain Certificate of Public Convenience and Necessity (CPCN) rights.

5. Natural Features. The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel.
6. Zoning. The LYNCH PROPERTY 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; LYNCH 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) LYNCH may, with the City's prior written consent, which shall not be unreasonably withheld, conditioned or delayed, sell, lease, or convey all or any portion of LYNCH 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 LYNCH, shall be recorded in the office of the Recorder of Deeds, in and for Kent County, Delaware. The cost of recording shall be paid by LYNCH.
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.

CRYSTAL LYNCH KENTON, MELISSA LYNCH, YVONNE LYNCH LTR.

Attest: _____

By: _____
Crystal Lynch Kenton

Attest: _____

By: _____
Melissa Lynch

Attest: _____

By: _____
Yvonne Lynch, LTR

STATE OF DELAWARE :

:

COUNTY OF :

Signed and sworn to before me this _____ day of _____, 2024, by Crystal Lynch Kenton.

Signature of Notary Public

STATE OF DELAWARE :

:

COUNTY OF :

Signed and sworn to before me this _____ day of _____, 2024, by Melissa Lynch.

Signature of Notary Public

STATE OF DELAWARE :

:

COUNTY OF :

Signed and sworn to before me this _____ day of _____, 2024, by Yvonne Lynch, LTR.

Signature of Notary Public
CITY OF MILFORD

Attest: _____
City Clerk

By: _____ (Seal)
F. Todd Culotta, Mayor

STATE OF DELAWARE :
:
COUNTY OF SUSSEX :

Signed and sworn to before me this _____ day of _____, 2024, by F. Todd Culotta, Mayor of the City of Milford.

Signature of Notary Public

DRAFT

Exhibit A

DRAFT



PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK



TM#: 5-00-17400-02-6401-00001
NEW WHARF ROAD, MILFORD, DE 19883
MILFORD HUNDRED, KENT COUNTY, DELAWARE

BOUNDARY SURVEY PLAN

RIBERA DEVELOPMENT, LLC
8664 VETERANS HWY
MILLERSVILLE, MD 21108

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: RIBER23003
DATE: 2024-04-02
DRAWING SCALE: 1"=100'
DRAWN BY: LAC
APPROVED BY: AMD

V-0001
SHEET 1 OF 1

LEGEND

- PROPERTY, LINE
- PROPERTY, ADJOINING LINE
- CENTERLINE OF ROAD
- EDGE OF PAVEMENT
- IRRIGATION SYSTEM
- EXISTING DRIVE
- GUARDRAIL
- CORPORATE LIMIT LINE
- OVERHEAD POWER LINE
- EXISTING WATER LINE
- EXISTING STORM DRAIN
- POINT ON LINE
- ROW, MONUMENT FOUND
- SIGN (TYP.)
- LIGHT POLE
- UTILITY POLE
- ▨ WETLANDS
- ▨ WETLANDS BUFFER

TM#: 5-00-17400-02-6401-00001
N/F BILLIE LYNN THOMPSON
DB 1823, PG 338
ZONING: AR,
USE: AGRICULTURAL FARMLAND

TM#: 5-00-17400-02-6401-00001
N/F CRYSTAL KENTON, MELISSA,
YVONNE R. LTR LYNCH
DB 9253, PG 102
ZONING: AR,
USE: AGRICULTURAL FARMLAND
AREA: 3,301,345±SQ.FT.
(75.79± ACRES)

TM#: 5-00-18300-01-0200-00001
N/F STATE OF DELAWARE
DB 1828, PG 63
ZONING: AR,
USE: EXEMPT

WETLANDS LINE TABLE

LINE #	BEARING	DISTANCE
W1	N 63°22'23"E	14.69'
W2	N 81°28'45"E	60.05'
W3	S 88°05'07"E	39.81'
W4	N 02°02'21"E	40.48'
W5	N 08°08'29"E	79.16'
W6	N 18°55'30"W	86.15'
W7	N 03°01'52"E	102.80'
W8	N 15°08'34"E	110.30'
W9	N 23°33'22"E	66.12'
W10	N 00°54'35"E	86.66'
W11	N 18°42'52"W	70.36'
W12	N 14°14'08"W	58.30'
W13	N 43°12'02"W	52.08'
W14	N 73°38'25"W	63.70'
W15	N 75°17'55"W	62.98'
W16	N 49°26'13"W	59.11'
W17	N 56°08'08"W	51.86'
W18	N 18°05'07"W	52.64'
W19	N 14°02'23"E	12.12'
W20	S 62°27'55"E	32.69'

WETLANDS LINE TABLE

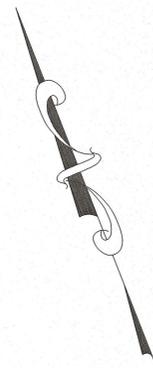
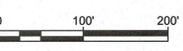
LINE #	BEARING	DISTANCE
W21	N 84°29'40"E	38.81'
W22	S 62°03'06"E	64.65'
W23	S 89°21'14"E	33.78'
W24	S 60°49'25"E	67.75'
W25	N 82°11'40"E	88.21'
W26	N 46°36'51"E	71.07'
W27	N 34°34'37"E	57.92'
W28	N 15°47'24"E	51.80'
W29	N 05°35'59"E	69.43'
W30	N 36°04'45"E	69.30'
W31	N 17°08'58"E	76.11'
W32	N 21°54'24"E	55.52'
W33	N 78°37'09"E	65.59'
W34	N 76°54'20"E	94.26'
W35	N 52°30'28"E	70.02'
W36	N 37°14'01"E	55.18'
W37	N 03°38'20"E	71.75'
W38	N 39°15'58"E	63.20'
W39	N 27°57'45"E	57.30'
W40	N 18°46'18"E	52.33'

WETLANDS LINE TABLE

LINE #	BEARING	DISTANCE
W41	N 37°18'18"E	9.90'

GENERAL NOTES:

- THE BOUNDARY SURVEY SHOWN HEREON WAS DERIVED FROM PUBLIC RECORDS, AND AN ACTUAL FIELD SURVEY PERFORMED BY PENNONI ASSOCIATES IN MARCH 2024.
- THIS PLAT DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
- THIS PROPERTY APPEARS ON KENT COUNTY TAX MAP 5-00-17400-02-6401-00001.
- BOUNDARY SURVEY WAS PERFORMED UTILIZING DELAWARE STATE PLANE COORDINATE SYSTEM (NAD83/2011)
- CLASS OF SURVEY: RURAL



U:\customers\ribera\rib23003 - Lynn Pearl City of Milford\DESIGN_SHEETS\1-0001.dwg PLOT FILE: Pennoni\KCS.dwg PLOT DATE: 03/20/24 11:14:41 AM User: Lynn Pearl

Exhibit B

DRAFT

METES AND BOUNDS DESCRIPTION

LANDS NOW OR FORMERLY OF CRYSTAL KENTON, MELISSA AND YVONNE R. LTR LYNCH MILFORD HUNDRED, KENT COUNTY DELAWARE

TAX MAP 5-00-17400-02-6401

All that certain piece, tract, and parcel lying in Milford Hundred, Kent County, Delaware and being more particularly described as follows:

BEGINNING at a point, said point lying on the easterly right-of-way of NE Front Street and being a corner for this Parcel and Lands now or formerly of Billie Lynn Thompson; thence by and with this Parcel and Lands now or formerly of Billie Lynn Thompson the following two (2) courses and distances:

- 1) **South 60 degrees, 20 minutes, 46 seconds East, 1544.82 feet to a point,**
- 2) **South 44 degrees, 50 minutes, 35 seconds West, 960.09 feet to a point,**

said point being a corner for this Parcel and the northerly side of the Mean High Water Line of the Mispillion River; thence by and with this Parcel and northerly side of the Mean High Water Line of the Mispillion River the following six (6) courses and distances:

- 1) **South 79 degrees, 39 minutes, 46 seconds, West, 179.36 feet to a point,**
- 2) **South 26 degrees, 58 minutes, 30 seconds West, 203.95 feet to a point,**
- 3) **South 25 degrees, 35 minutes, 28 seconds West, 203.04 feet to a point,**
- 4) **South 22 degrees, 47 minutes, 26 seconds West, 201.56 feet to a point,**
- 5) **South 15 degrees, 34 minutes, 49 seconds West, 108.74 feet to a point,**
- 6) **South 05 degrees, 03 minutes, 09 seconds West, 324.87 feet to a point,**

said point being a corner for this Parcel and Lands now or formerly of the State of Delaware; thence by and with this Parcel and Lands now or formerly of the State of Delaware the following four (4) courses and distances:

- 1) North 68 degrees, 47 minutes, 39 seconds West, 300.57 feet to a point,
- 2) North 70 degrees, 19 minutes, 39 seconds West, 254.15 feet to a point,
- 3) South 69 degrees, 30 minutes, 31 seconds West, 335.27 feet to a point,
- 4) South 89 degrees, 30 minutes, 37 seconds West, 173.80 feet to a point,

said point being a corner for this Parcel and lying on the northerly right-of-way of Milford-Bypass; thence by and with this Parcel and northerly right-of-way of Milford-Bypass the following two (2) courses and distances:

- 1) North 49 degrees, 17 minutes, 19 seconds West, 363.00 feet to a point,
- 2) With a curve to the right, said curve having a radius of 11,429.26 feet, an arc distance of 447.18 feet and a chord bearing and distance of North 48 degrees, 20 minutes, 47 seconds West, 447.45 feet to a concrete monument,

said concrete monument being a corner for this Parcel and lying on the northerly right-of-way of KCR #7175; thence by and with this Parcel and the northerly right-of-way of KCR #7175 the following five (5) courses and distances:

- 1) With a curve to the right, said curve having a radius of 451 feet, an arc distance of 262.19 feet and a chord bearing and distance of North 04 degrees, 58 minutes, 56 seconds West, 258.51 feet to a concrete monument,
- 2) North 11 degrees, 40 minutes, 18 seconds East, 319.20 feet to a concrete monument,
- 3) With a curve to the left, said curve having a radius of 419 feet, an arc distance of 439.99 feet and a chord bearing and distance of North 18 degrees, 24 minutes, 38 seconds West, 420.05 feet to a concrete monument,
- 4) North 48 degrees, 29 minutes, 00 seconds West, 143.58 feet to a concrete monument,
- 5) With a curve to the right, said curve having a radius of 90 feet, an arc distance of 129.59 feet and a chord bearing and distance of North 07 degrees, 14 minutes, 07 seconds West, 118.68 feet to a concrete monument,

said concrete monument being a corner for this Parcel and the easterly right-of-way of NE Front Street; thence by and with this Parcel and the easterly right-of-way of NE Front Street the following two (2) courses and distances:

- 1) **With a curve to the left, said curve having a radius of 1,060 feet, an arc distance of 205.48 feet and a chord bearing and distance of North 28 degrees, 27 minutes, 32 seconds East, 205.16 feet to a concrete monument,**
- 2) **North 22 degrees, 54 minutes, 19 seconds East, 526.47 feet to a point,**

said point being the **Point of Beginning** for this description.

This Parcel contains 75.79 acres, more or less.