



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

Co-Chair: David Tackett, Eleventh District
Co-Chair: Janet Kilpatrick, Third District

February 7, 2023
3:00 PM

VIRTUAL ZOOM WEBINAR MEETING &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801**

REVISED AGENDA

A. Meeting Call to Order

B. Approval of Minutes

C. Review/Discussion of Resolution(s)

R23-0 : TO RENAME THE APARTMENT COMPLEX RECORDED AS "DORJUL APARTMENTS" [TAX PARCEL NUMBER 07-033.30-061](#), AN APARTMENT COMPLEX LOCATED ON THE NORTH SIDE OF LANCASTER PIKE, APPROXIMATELY 1,200 FEET WEST OF N. DUPONT ROAD, TO "WESTOVER POINTE APARTMENTS;" [APPLICATION NO. 2022-0762](#); COUNCIL DISTRICT 2. Introduced by: Ms. Durham

D. Review/Discussion of Ordinance(s)

°23-018: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A DEED AND OTHER DOCUMENTS NECESSARY TO TRANSFER APPROXIMATELY 10,679 SQUARE FEET OF PROPERTY LOCATED IN NEWARK, DELAWARE AT 2199 PULASKI HIGHWAY, TAX PARCEL NO. 11-022.00-014 FOR \$28,833.30, TO BE USED TO IMPROVE DUSK RUN ROAD Introduced by: Mr. Tackett

E. Presentations

Presentation - Paul Eichler from the Fire Sprinkler Coalition.

F. Other

G. Public Comment

H. Adjournment

AGENDA POSTED: 1/31/2023
REVISED AGENDA POSTED: 2/2/2023

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**The agenda was revised on February 2, 2023 to remove an item under Review/Discussion of Resolutions. This item was removed because the land development plan has expired.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccde.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Introduced by: Ms. Durham
Date of introduction: February 14, 2023

RESOLUTION NO. 23-

TO RENAME THE APARTMENT COMPLEX RECORDED AS “DORJUL APARTMENTS” TAX PARCEL NUMBER 07-033.30-061, AN APARTMENT COMPLEX LOCATED ON THE NORTH SIDE OF LANCASTER PIKE, APPROXIMATELY 1,200 FEET WEST OF N. DUPONT ROAD, TO “WESTOVER POINTE APARTMENTS;” APPLICATION NO. 2022-0762; COUNCIL DISTRICT 2.

WHEREAS, the owner of record of tax parcel number 07-033.30-061 has petitioned New Castle County to rename the apartment complex known as “Dorjul Apartments” to “Westover Pointe Apartments;” and

WHEREAS, the Department of Land Use contacted the 911 Center and the United States Post Office, per *New Castle County Code* Section 40.31.715, which offer no objection to this renaming.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby renames the apartment complex recorded as “Dorjul Apartments,” to “Westover Pointe Apartments,” pursuant to the Department of Land Use Application No. 2022-0762.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

SYNOPSIS: Same as title.

FISCAL IMPACT: This resolution will have no immediately discernible fiscal impact on the County.



Department of Land Use

MEMORANDUM

TO: Clerk of Council

FROM: Richard E. Hall, Land Use General Manager *Richard E. Hall*

RE: Apartment Complex known as "Dorjul Apartments" to "Westover Pointe Apartments"

DATE: January 5, 2023

Upon request of the owners of record for the above subdivision renaming, and whose address range numbering references the street for the above renaming, this department contacted the 911 Center and the Post Office per Section 40.31.715 of the New Castle County Code. Those agencies have no objection to the renamings. The department, therefore, requests that a Resolution of Approval be considered by County Council. The suggested title, synopsis and fiscal note for the resolution are as follows:

Resolution No. 23-

To rename apartment complex recorded as "**DORJUL APARTMENTS**" to "**WESTOVER POINTE APARTMENTS**". Located on the north side of Lancaster Pike, approximately 1,200 feet west of N. Dupont Road. CD 2. (App. 2022-0762-S)

Synopsis: Same As Title

Fiscal Note This resolution will have no immediate discernible fiscal impact on the County.

cc: Councilperson Durham

Introduced by: Mr. Tackett
Date of introduction: January 24, 2023

ORDINANCE NO. 23-018

AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A DEED AND OTHER DOCUMENTS NECESSARY TO TRANSFER APPROXIMATELY 10,679 SQUARE FEET OF PROPERTY LOCATED IN NEWARK, DELAWARE AT 2199 PULASKI HIGHWAY, TAX PARCEL NO. 11-022.00-014 FOR \$28,833.30, TO BE USED TO IMPROVE DUSK RUN ROAD

WHEREAS, New Castle County (“County”) owns property located at 2199 Pulaski Highway, Newark, Delaware 19702, being part of Tax Parcel No. 11-022.00-014; and

WHEREAS, pursuant to 9 *Del. C.* Section 1521(g), the County may, by ordinance, transfer lands held by the County, including but not limited to surplus lands, to the State of Delaware (“State”) after written notification from the Governor or the Governor’s designee that such lands are required by the State for public purposes; and

WHEREAS, the Offices of Law and Finance, and the Chief Administrative Officer, are satisfied that the State has demonstrated that the property described below is required for the public purpose of a roadway improvement project for Dusk Run Road (as set forth in the 10/4/2022 letter from the Delaware Department of Transportation attached hereto as Exhibit “1”); and

WHEREAS, County Council has determined that the purpose of the agreement listed below substantially advances, and is reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this County and State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. New Castle County Council hereby authorizes the transfer of the below-referenced property to the State of Delaware and hereby authorizes the County Executive to sign the following Deed:

The Deed attached hereto as Exhibit “2”, subsequent amendments thereto, and any other documents necessary to transfer to the State of Delaware approximately 10,679 square feet, a portion of Tax Parcel No.11-022.00-014, located at 2199 Pulaski Highway, Newark, Delaware. The consideration to be paid to the County is Twenty-Eight Thousand, Eight Hundred Thirty-Three and Thirty Cents (\$28,833.30). There will also be additional grading along Dusk Road for a path to be installed by the County in the future.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, authorizes the County Executive to execute the deed and other applicable documents necessary to sell approximately 10,679 square feet, a portion of Tax Parcel No.11-022.00-014, located at 2199 Pulaski Highway, Newark, Delaware to the State of Delaware. The property will be used to facilitate road improvements to Dusk Run Road.

FISCAL NOTE: This Ordinance, if approved, may increase New Castle County's receivable balance by \$28,833.30.

Tax Parcel No. P/O 11-022.00-014

Prepared by:
Tarabicos, Grosso & Hoffman, LLP
One Corporate Commons
100 West Commons Boulevard, Suite 415
New Castle, Delaware 19720

Return to:
STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
REAL ESTATE SECTION
250 Bear-Christiana Road
Bear, Delaware 19701

DEED

THIS DEED, made this ____ day of _____, 2022,

BETWEEN, NEW CASTLE COUNTY, a political subdivision of the State of Delaware,
party of the first part,

A N D

THE STATE OF DELAWARE, acting by and through the Department of Transportation,
party of the second part,

WHEREAS, the party of the first part owns all that certain lot, piece, or parcel of land, with improvements erected thereon, situate in Pencander Hundred, New Castle County, State of Delaware, being commonly known as 2199 Pulaski Highway, and being designated on the tax maps of New Castle County, State of Delaware, as Tax Parcel Number 11-022.00-014; and

WHEREAS, the party of the first part desires to grant and convey a portion of the property in connection with certain transportation improvements to the party of the second part; and

NOW, THEREFORE WITNESSETH, that the party of the first part, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, its successors or assigns, in fee:

ALL THAT CERTAIN lot, piece or parcel of land situate in Pencander Hundred, New Castle County, State of Delaware, located within the existing right-of-way, and being depicted on the Exhibit attached hereto and more particularly bounded and described as follows, to wit:

BEGINNING at a found iron rod with cap at the southeasterly terminus end of GBC Drive right-of-way and at a corner for land now or formerly of New Castle County known as Glasgow Regional Park, being located approximately 576 feet from the intersection of GBC Drive and Technology Drive; thence from the point of beginning and running with the existing right-of-way line of GBC Drive

1) North 30° 26' 31" West 5.10 feet to a point at the southwesterly terminus end of Dusk Run Road right-of-way; thence with the southerly right-of-way line of Dusk Run Road the following four courses and distances

2) along the arc of a circle curving to the left, having a radius of 855.00 feet and an arc length of 123.05 feet, chord bearing and distance of said arc being North 28° 06' 39" East 122.95 feet to a point; thence

3) North 23° 59' 16" East 34.18' feet to a point; thence

4) along the arc of a circle curving to the right, having a radius of 60.00 feet and an arc length of 76.05 feet, chord bearing and distance of said arc being North 60° 17' 48" East 71.06 feet to a point; thence

5) South 83° 23' 39" East 161.44 feet to a point; thence leaving said southerly right-of-way line of Dusk Run Road and crossing through lands of New Castle County the following three courses and distances

6) South 81° 11' 53" West 53.48 feet to a point; thence

7) along the arc of a circle curving to the left, having a radius of 350.00 feet and an arc length of 277.84 feet, chord bearing and distance of said arc being South 58° 27' 24" West 270.60 feet to a point; thence

8) South 35° 42' 56" West 13.49 feet to the point and place of beginning.

CONTAINING WITHIN said described metes and bound a total of 10,679 SF of land being the same, more or less.

SUBJECT TO all covenants, conditions, restrictions, plans and easements of record, if any, which by their terms apply to the property described above, this reference to which shall not be construed to reimpose any such covenants, conditions, restrictions, plans and easements of record which have otherwise lapsed, expired or have otherwise been terminated in accordance with their terms or otherwise as applicable.

BEING a part of the same lands which Glasgow Farms, LLC, by Deed dated January 12, 2005, and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware as Instrument No. 20050214-0015275, did grant and convey unto New Castle County, in fee.

GRANTEE'S MAILING ADDRESS:

Delaware Department of Transportation
P.O. Box 778
Dover, Delaware 19903

[Signatures on following page]

IN WITNESS WHEREOF, the said party of the first part, by and through New Castle County, has caused this Deed to be executed and sealed the day and year aforesaid.

Signed, Sealed and Delivered in the
Presence of:

ATTEST:

NEW CASTLE COUNTY

By: _____(SEAL)

Name:

Title:

STATE OF DELAWARE

)

)SS

COUNTY OF NEW CASTLE

)

BE IT REMEMBERED that on this _____ day of _____, 20_____,
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,
_____, _____ of New Castle County, party to this
Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act
and deed, that the signature of the said _____ thereto is in his/her own proper
handwriting, and that this his/her act of sealing, executing, acknowledging and delivering said
Indenture.

GIVEN under my Hand and Seal of office, the day and year first above written.

Notary Public/Attorney at Law

EXHIBIT

