

TOWN OF OCEAN VIEW

201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

MEMORANDUM

TO: Mayor and Town Council Members

FROM: Ocean View Planning and Zoning Commission

VIA: Kenneth L. Cimino, Planning Director 

Date: June 14, 2022

SUBJECT: Annexation Report CTM#134-12.00-470.00
The Villas at Ocean View

Background: Pursuant to the Town Charter, Section 4.102(C), Annexation of Property More Than Five (5) Acres, attached is the Ocean View Planning and Zoning Commission report regarding the annexation of the above noted parcel.

P&Z Commission Recommendation: It is recommended that Mayor and Council proceed with the proposed annexation of CTM#134-1200.00-470.00 (The Villas at Ocean View).

The Villas at Ocean View

f.k.a. Browning Farm



The Lands of DRB Group of the Eastern Shore, LLC
27.85 acres, more or less
Sussex County Tax Map # 134-12.00-470.00

**Town of Ocean View
Planning & Zoning Report for Town Council
Application P-340: Annexation & Rezoning Request**

SINCE 1889



TOWN OF OCEAN VIEW, DELAWARE
TOWN COUNCIL
APPLICATION FOR ANNEXATION

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302-539-1208

kcimino@oceanviewde.gov / www.oceanviewde.gov

SINCE 1889



P- 340

I (We) hereby apply for approval of an annexation and certify that all information and documents provided for this application are correct.

Applicant(s) (Print): DRB Group Eastern Shore, LLC Date: 3/11/22

Address: 2099 Gaither Road Rockville MD 20850

Signature(s): John Ciavarra Digitally signed by John Ciavarra
 Date: 2022.05.16 14:31:09 -04'00' Date: 5/16/22
Applicant(s)

Owner(s) of Record (Print): DRB Group Eastern Shore, LLC Phone #: (302) 485-0550

Address: 2099 Gaither Road Rockville MD 20850

Signature(s): John Ciavarra Digitally signed by John Ciavarra
 Date: 2022.05.16 14:32:22 -04'00' Date: 5/16/22
(Property Owner(s))

TOWN USE ONLY:

Administrative Official Signature:

Location: 142 Woodland Avenue PIDN: 034 000

CTM#: 134-12.00-470.00 Current Zoning: AR-1 Proposed Zoning: R-3

Proposed Use: R-3 / Fee simple townhouses w/ amenities Number of Lots Included in Request: 1

Total Area: +/- 27.85 SF/Acre(s) Total Street Frontage: 369 LF Miles

TOWN COUNCIL AND PLANNING AND ZONING COMMISSION REVIEWS AND ACTIONS

INTRODUCTION OF ORDINANCE # _____ ON: 4/12/22 BY: Thomas Maly

PLANNING AND ZONING COMMISSION REVIEW: 5/19/22 RECOMMENDATION: Yes to Annexation 4-0

PLANNING AND ZONING CHAIR: Kent Liddle DATE: _____
Walter Curran absent

FIRST READING OF ORDINANCE # _____ ON: _____ ADVERTISED: 5/27/22

SECOND READING OF ORDINANCE # _____ ON: _____ ADVERTISED: 5/27/22

APPROVED: _____ DENIED: _____ DATE: _____

MAYOR



John Ciavarra
DRB Group Eastern Shore, LLC
18054 Emerson Way
Georgetown, DE 19947

March 11th, 2022

Town of Ocean View
Town Council
Re: Browning Farm: Tax ID # 134-12.00-470.00
Annexation Request

To whom it may concern,

DRB Group Eastern Shore, LLC would like to petition for annexation of the above described as Tax ID # 134-12.00-470.00 or 142 Woodland Avenue Ocean View, DE 19970 for residential construction.

The request is for a 29.75-acre contiguous parcel per the attached survey. This annexation request is in conjunction with a request for a rezone from AR1 to R3.

DRB Group Eastern Shore, LLC would like to be a part of the town of Ocean View due to its tremendous reputation for safety, cleanliness and beauty. DRB believes this residential community will have tremendous marketability being tied to the town of Ocean View and believes the town will support its efforts to complete a successful neighborhood for residents for years to come.

We ask for consideration on these requests and look forward to the next steps in the process.

Sincerely,

A handwritten signature in black ink, appearing to read "JC", written over a horizontal line.

John Ciavarra
Division President
jciavarra@drbgroup.com

Cc: Steve Marsh-GMB Engineering

Enclosure: Boundary Survey

240-420-6050 | 18054 Emerson Way, Georgetown, DE 19947 | drbgroup.com



CIVIL ENGINEERING ASSOCIATES, LLC
 • ENGINEERING • SURVEYING • CONSULTING SERVICES
 1000 N. 10TH ST., SUITE 100 • CHICAGO, IL 60642
 TEL: (312) 329-8833 • FAX: (312) 329-8834

[illegible]

1. PROPERTY INFORMATION
THROCKMORF & SUTOWING &
JOHN F. L. N. WELLS
138 WOODLAND AVENUE
OCEANVIEW, DE 19670

2. SURVEYOR
CIVIL ENGINEERING ASSOCIATES

- EXISTING ZONING: A-1
SPOTLIGHTS

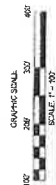
- MIN LOT AREA: 20,320 SQ
MIN LOT WIDTH: 140 FEET
FRONT YARD: 40 FEET
SIDE YARD: 15 FEET
REAR YARD: 20 FEET
MAX. BUILDING HEIGHT: 40 FEET

- [illegible]

- [illegible]

- | | |
|--|---|
| ENCLOSUREMENTS: THE SURVEY UPON WHICH THIS PLAN WAS CREATED
(UNCOVERED NO ENCLOSUREMENTS) | PLANING: HORIZONTAL - ULT. STATIC PLANE COORDINATE SYSTEM
VERTICAL - NAVD 83 |
|--|---|

1. THE SITE HAS PRIMARY ACCESS TO WADSWORTH AVENUE AND ADJACENT TO PUBLIC RIGHT OF WAY.
2. THE SITE HAS SECONDARY ACCESS TO BELLA VIA WAY (BY PRIVATE DRIVE) AND OFF FROM THE EXISTING STORM DRAIN RUNNING THROUGH THE SITE.



PROPERTY LINE TABLE

CM-
VENZIA COURT
PRIVATE ROW



CIVIL ENGINEERING ASSOCIATES
• ENGINEERS • SURVEYORS • CONSTRUCTION SERVICES

55 West Main Street
Middletown, DE 19709

Web: www.cea-de.com

Phone: 302-376-8833
Fax: 302-376-8834

Legal Description

Lands of Theodore F. Browning & Jeannette N. West
T.P.# 134-12.00-470.00

All that certain parcel of land with improvements erected thereon being Tax Parcel 134-12.00-470.00, situate in Baltimore Hundred, Sussex County, Delaware, according to deed book number 5528, page number 202, and plat book number 7, page number 43, recorded in the office of the Recorder of Deeds in and for Sussex County, and more recently described by a Boundary Survey Plan prepared by Civil Engineering Associates LLC, dated January 27, 2022, as follows to wit:

BEGINNING at a point located along the southwesterly side of Woodland Avenue (50.00 feet Right-Of-Way), said point being a common corner of the herein described parcel and lands now or formerly of Anita I. Smawley, said point being further located northwesterly 508.70 feet from the northerly end of a 25.00 foot radius junction curve joining the said southwesterly side of Woodland Avenue with the northwest side of Balsa Street (50.00 feet Right-Of-Way), said point being the first mentioned POINT AND PLACE OF BEGINNING, THENCE,

Leaving said southwest side of Woodland Avenue and along the division line of the herein described parcel and said lands of Smawley, the following two (2) described courses and distances:

1. S 35°20'59" W a distance of 201.16 feet to a point, THENCE,
2. S 50°13'11" E a distance of 28.99 feet to a point, being a common corner of the herein described parcel, said lands of Smawley, and lands now or formerly of Jeannette West, THENCE,

along the division line of the herein described parcel and said lands of West the following two (2) described courses and distances:

1. S 53°54'48" W a distance of 186.89 feet to a point, THENCE,
2. S 34°23'54" E a distance of 238.53 feet to a point, being a common corner of the herein described parcel and lot 3 Quaint Acres subdivision (P.B. 11, P. 90), THENCE,

Along the division line of the herein described parcel and lots 3 through 16 of Quaint Acres, S 55°30'10" W a distance of 1427.99 feet to a point, being a common corner of the herein described parcel, lot 16 Quaint Acres, and SWM/ Open Space The Reserves Phase 2A (P.B. 70, P. 210), THENCE, along the division line of the herein described parcel and said lands of The Reserves the following five (5) described courses and distances:

1. N 06°58'12" W a distance of 283.93 feet to a point, THENCE,

2. N 07°02'13" W a distance of 343.61 feet to a point, THENCE,
3. N 06°11'08" E a distance of 387.42 feet to a point, THENCE,
4. N 18°57'44" E a distance of 449.75 feet to a point, THENCE,
5. N 37°33'44" E a distance of 188.96 feet to a point, being a common corner of the herein described parcel, said lands of The Reserves, and a common corner of lot 9 The Reserves Phase 2A, said point being located along a ditch, THENCE,

With said ditch and along the division line of the herein described parcel, said lands of lot 9 The Reserves, et al. the following two (2) described courses and distances:

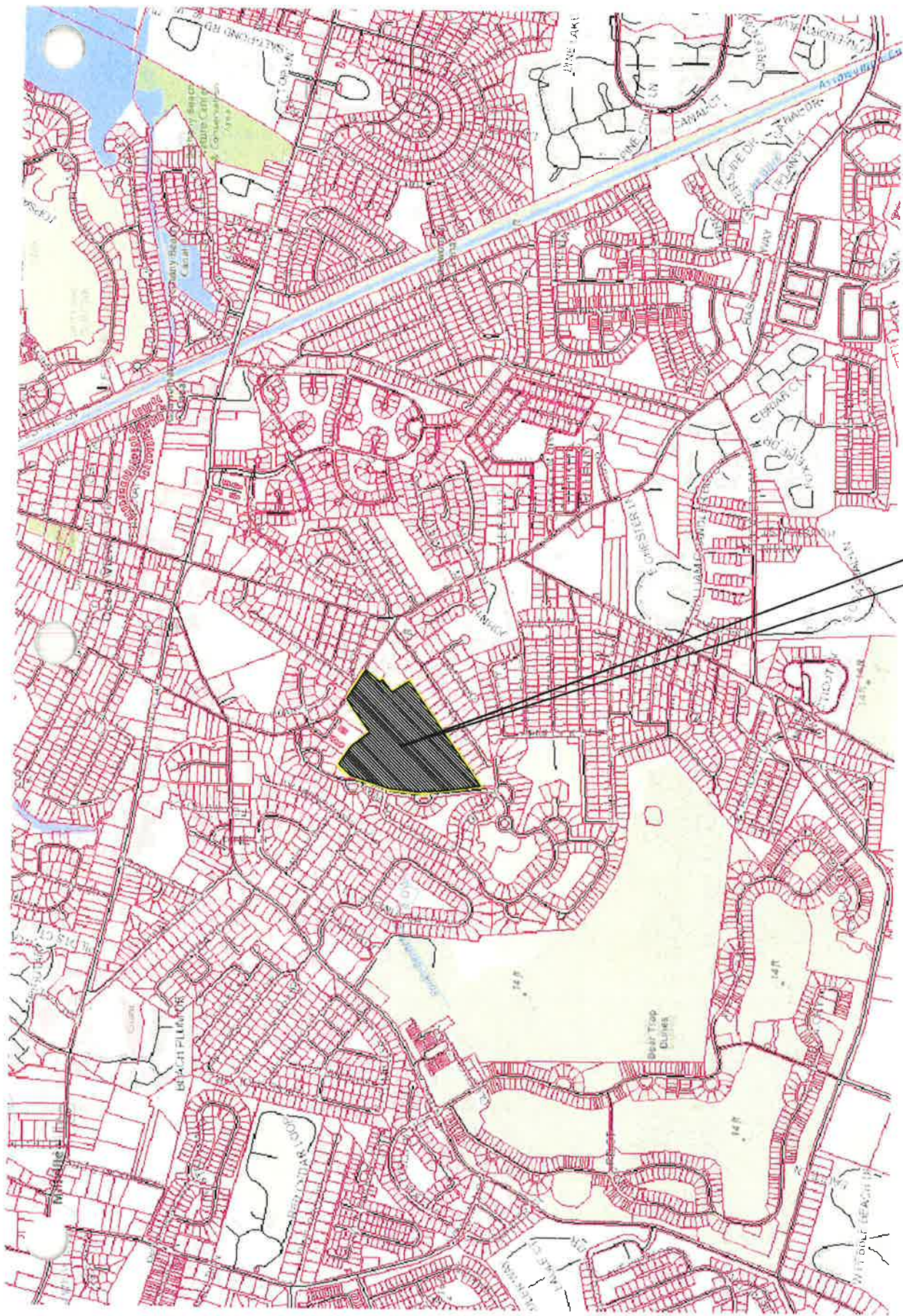
1. S 55°30'57" E a distance of 214.00 feet to a point, THENCE,
2. S 39°17'57" E a distance of 306.00 feet to a point, being a common corner of the herein described parcel and lands now or formerly of Mark J. Bennett, Trustee, said point being located along Prong 3A Banks Bennett Tax Ditch, THENCE,

With said Prong 3A and along the division line of the herein described parcel and said lands of Bennett the following three (3) described courses and distances:

1. N 63°05'03" E a distance of 53.00 feet to a point, THENCE,
2. N 47°47'03" E a distance of 196.00 feet to a point, THENCE,
3. N 59°11'03" E a distance of 218.97 feet to a point, located along said southwest side of Woodland Avenue, THENCE,

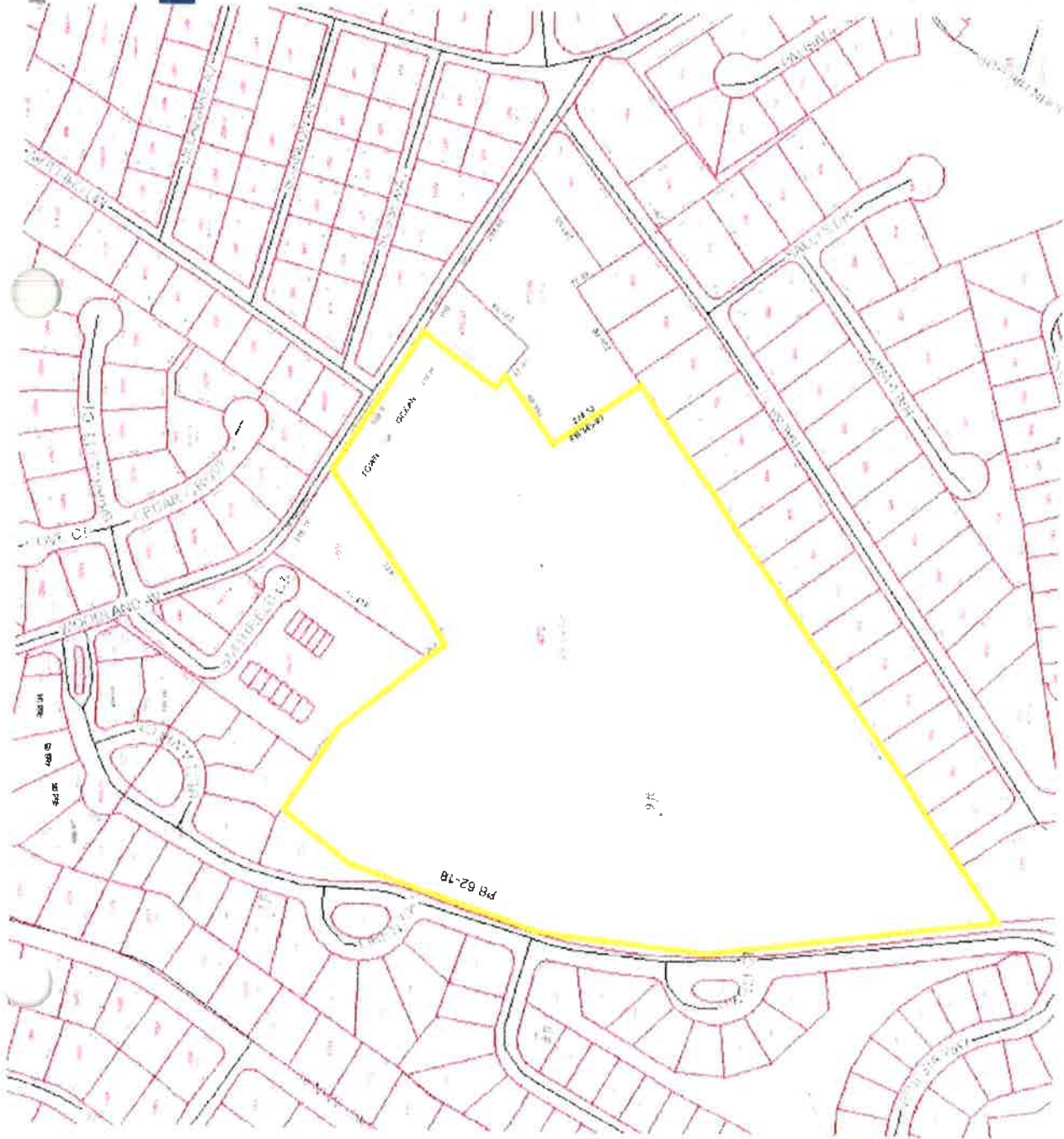
With same, S 57°51'38" E a distance of 366.14 feet to a point, said point being the first mentioned POINT AND PLACE OF BEGINNING.

Containing within the said described metes and bounds 1,213,223.4 square feet (27.852 acres) of land be the same more or less. Subject to all restrictions and easements as noted, according to deed book number 5528, page number 202, and plat book number 7, page number 43, recorded in the office of the Recorder of Deeds in and for Sussex County, and more recently described by a Boundary Survey Plan prepared by Civil Engineering Associates LLC, dated January 27, 2022.



SITE

VICINITY MAP



Search results

Clear Select

Selected Features

Parcels (1)

1) 134-12.00-470.00

Zoom

Book	5660
Page	22
Owner Name	DRB GROUP EASTERN SHORE LLC
Mailing Address	2099 GAITHER RD STE 600
City	ROCKVILLE
State	MD
Sewer Account	19-01-470
Description	SW/ WOODLAND AVE SE/BELLA VIA WAY
Description 2	RESIDUAL LANDS
Land Code	FG0
Town Code	00
CAP	0
BLDG Improvement	0
PIN with Unit	134-12.00-470.00
PIN	134-12.00-470.00
Zipcode	20850
Frontage	0
Depth	0
Fire District	84

PARID: 134-12.00-470.00
DRB GROUP EASTERN SHORE LLC

ROLL: RP
142 WOODLAND AV

Property Information

Property Location: 142 WOODLAND AV
Unit:
City: OCEAN VIEW
Zip: 19970
State: DE

Class: AGR-Agriculture
Use Code (LUC): FG0-AG IN FAA A-I
Town: 00-None
Tax District: 134 - BALTIMORE
School District: 1 - INDIAN RIVER
Council District: 4-Hudson
Fire District: 84-Millville
Deeded Acres: 29.0900
Frontage: 0
Depth: .000
Irr Lot:
Plot Book Page: 345-93/PB

100% Land Value: \$0
100% Improvement Value \$0
100% Total Value \$0

Legal

Legal Description SW/ WOODLAND AVE SE/BELLA VIA WAY
RESIDUAL LANDS

Owners

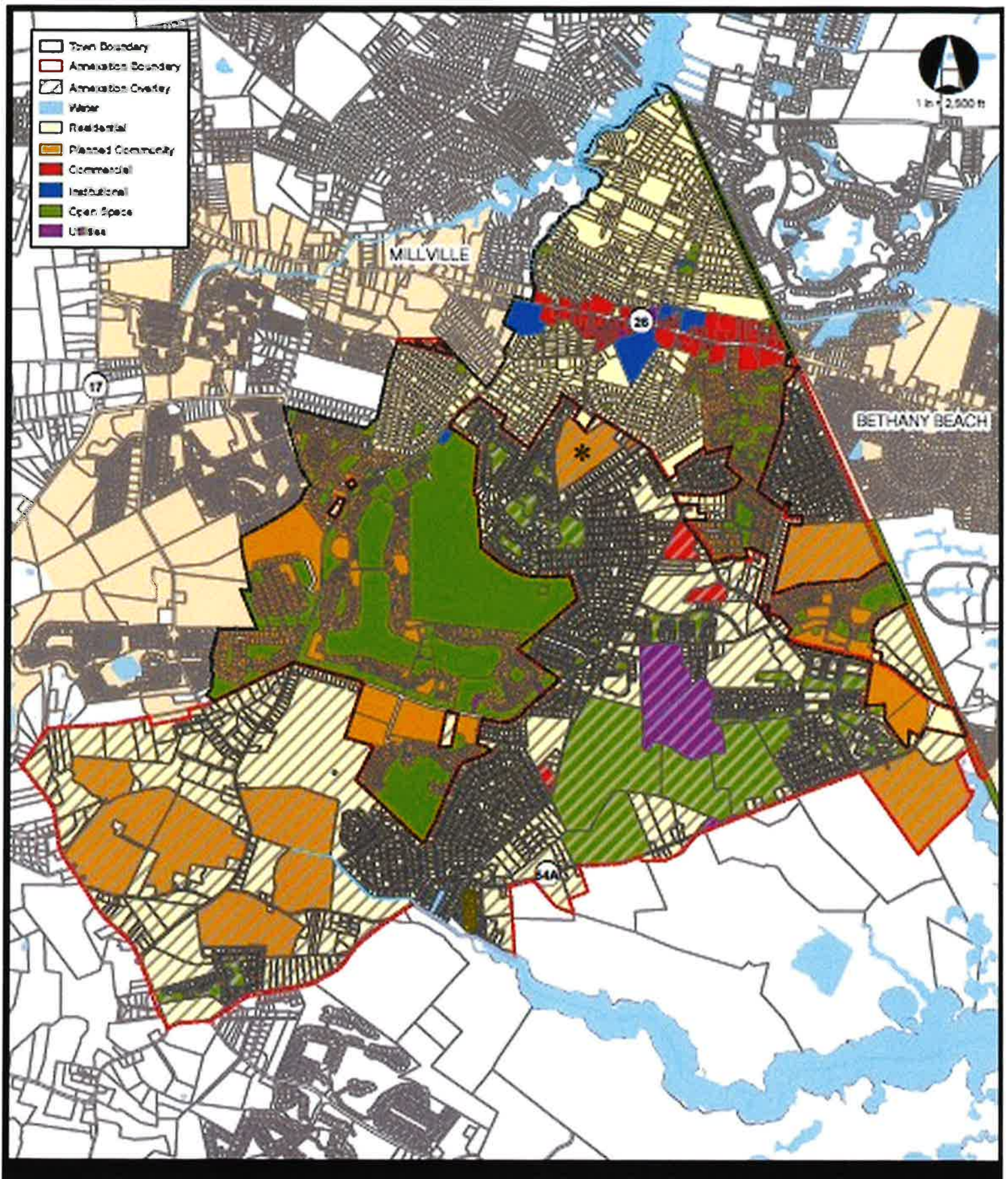
Owner	Co-owner	Address	City	State	Zip
DRB GROUP EASTERN SHORE LLC		2099 GAITHER RD STE 600	ROCKVILLE	MD	20850

PARID: 134-12.00-470.00
DRB GROUP EASTERN SHORE LLC

ROLL: RP
142 WOODLAND AV

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
03/11/2022	5660/22	\$7,000,000.00			DRB GROUP EASTERN SHORE LLC
08/11/2021	5528/202				BROWNING THEODORE F

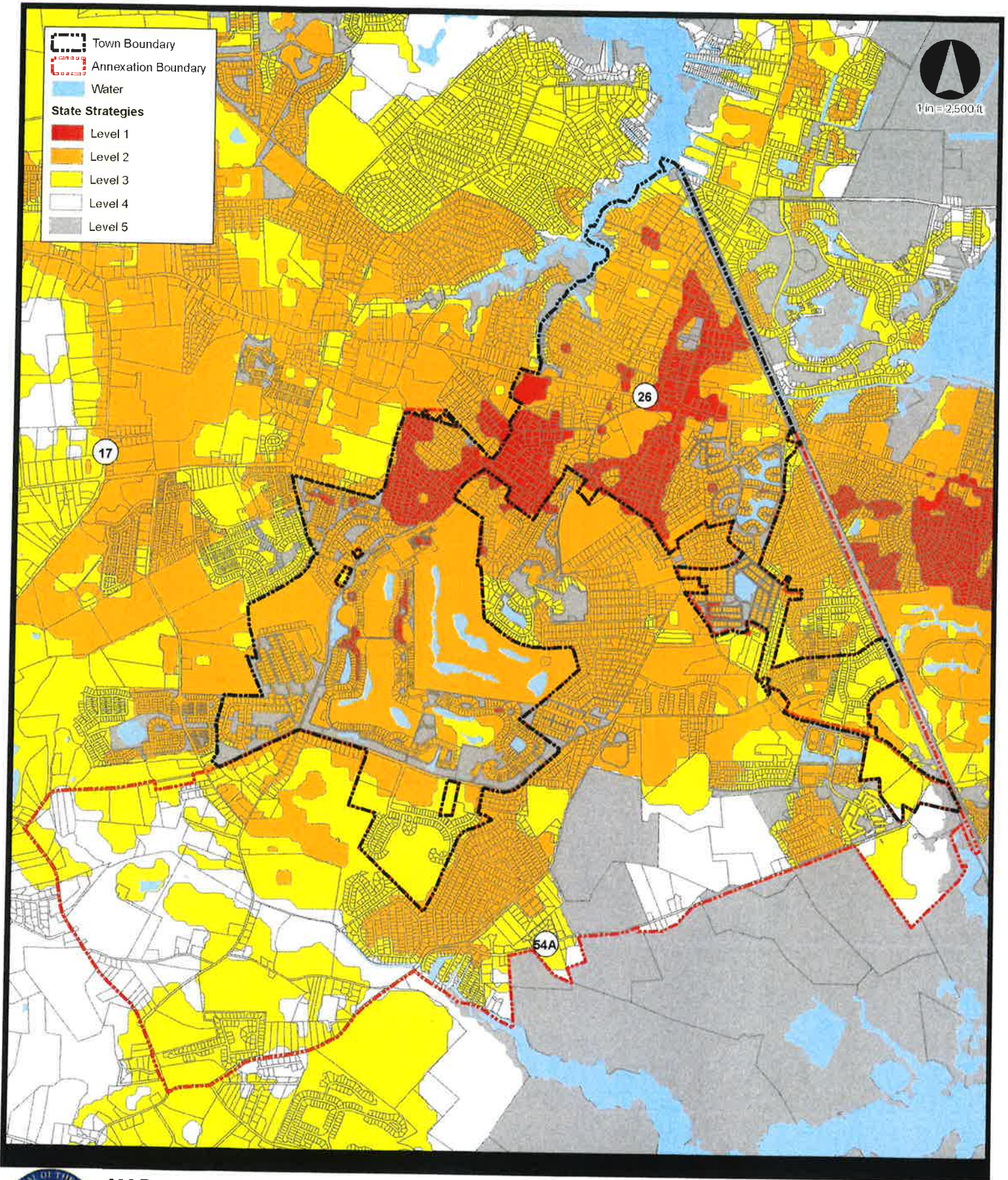


MAP 6. FUTURE LAND USE
COMPREHENSIVE PLAN UPDATE 2019
 Town of Ocean View

** indicates 134-12.00-470.00*

AECOM

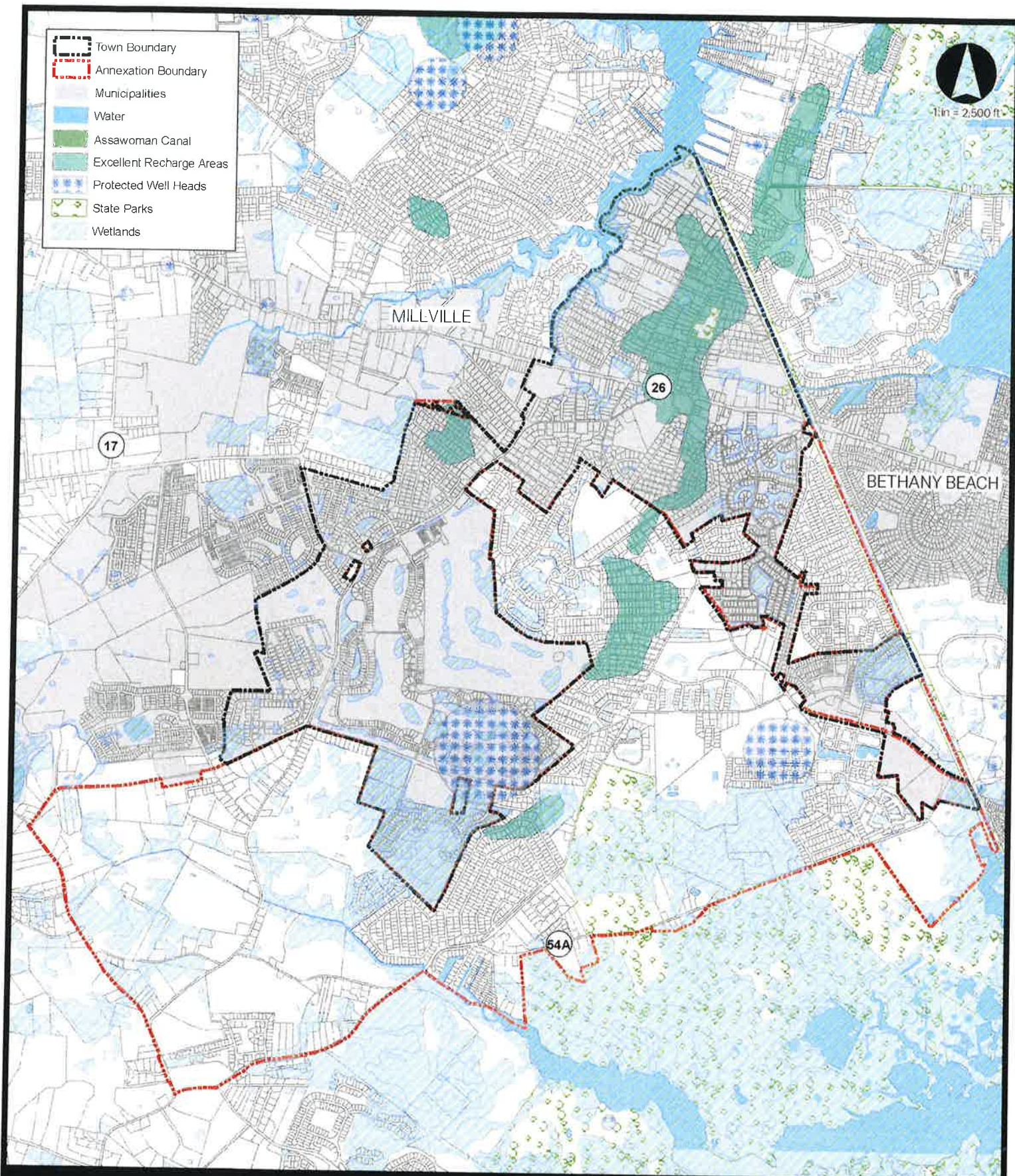
November 2019



MAP 3. STATE STRATEGIES
 COMPREHENSIVE PLAN UPDATE 2019
 Town of Ocean View

AECOM

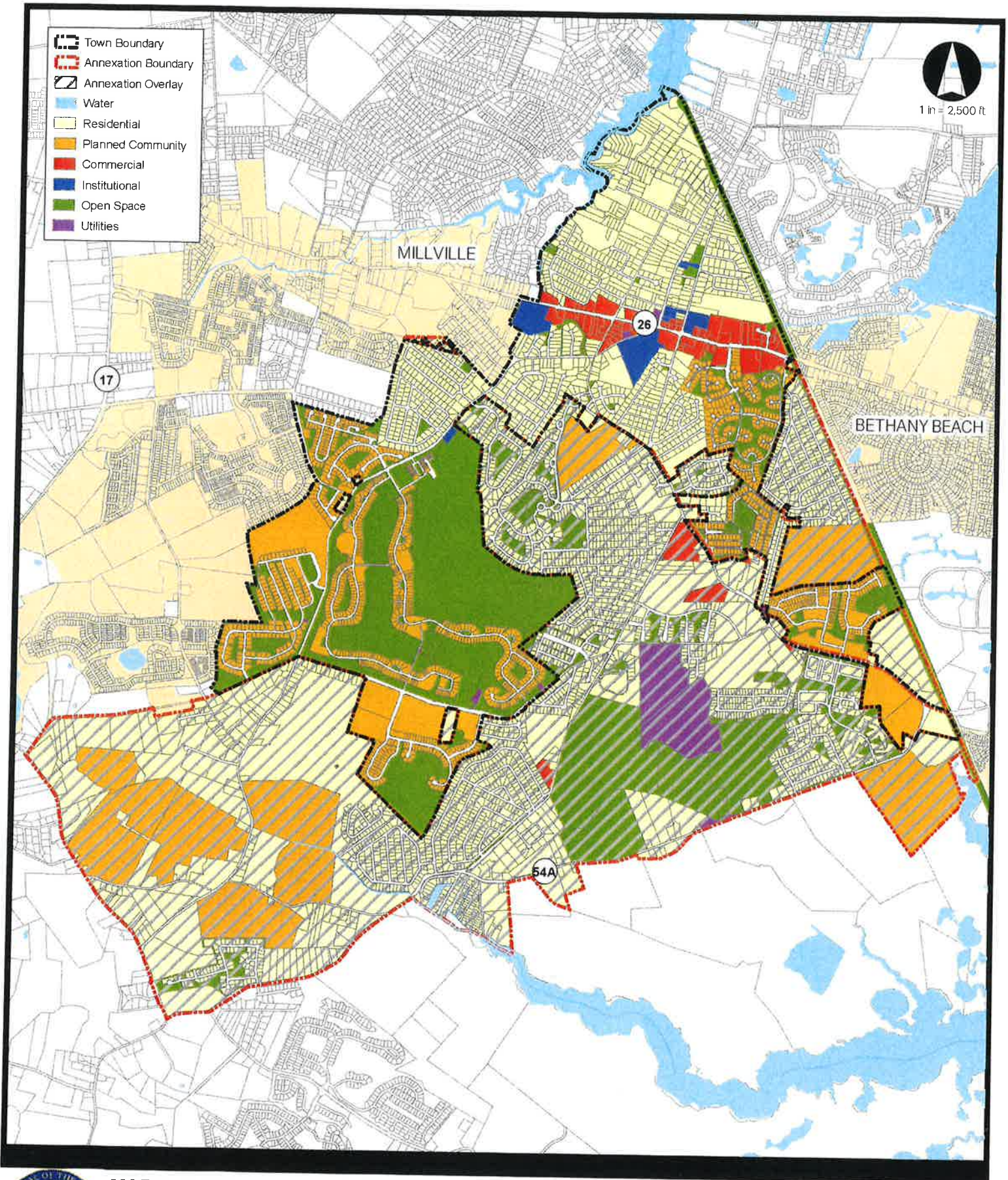
November 2019



MAP 4. ENVIRONMENTAL FEATURES
 COMPREHENSIVE PLAN UPDATE 2019
 Town of Ocean View

AECOM

November 2019



MAP 6. FUTURE LAND USE
 COMPREHENSIVE PLAN UPDATE 2019
 Town of Ocean View

AECOM

November 2019

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director

(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountype.gov

Sussex County Zoning Verification

This form is to provide the current zoning for the following parcel of land located within Sussex County. This form does not grant approval for any current or future use of the property.

Tax Parcel Number: 134-12.00-470.00

Location: Woodlands Avenue, Ocean View

Current Zoning: AR-1 (Agricultural Residential)

Owner: (from assessment records):

DRB Group Eastern Shore, LLC

Owner Mailing Address (from assessment records):

2099 Gaither Road

Suite 600

Rockville, MD 20850

The zoning for this property has been confirmed from the Official Sussex County Zoning Map by:

Ashley Pugh
Sussex County Planning & Zoning Staff Member

5-3-2022
Date





A Middlesex Water Company Affiliate

December 2, 2021

Cathy Lyons
GMB
206 West Main Street
Salisbury, MD 21801

RE: Willing & Able Letter- Tax Parcel No 134-12.00-470.00-Browning Farm

Dear Ms. Lyons:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, including fire protection, to the following parcel(s) identified as Tax Map Parcel No. 134-12.00-470.00. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner. This parcel is located within Tidewater's existing water Certificate of Public Convenience and Necessity franchise area.

Please send a site plan and construction schedule to Tidewater. Please feel free to contact me at 302-747-1304 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

A handwritten signature in cursive script that reads "Kelly R. Bailey".

Kelly R. Bailey
Manager of Contract Administration

ENGINEERING DEPARTMENT

JOHN J. ASHMAN
SR. MANAGER OF UTILITY PLANNING
& DESIGN REVIEW

(302) 855-7370 T
(302) 854-5391 F
jashman@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

SEWER SERVICE CONCEPT EVALUATION (SSCE) UTILITY PLANNING & DESIGN REVIEW

Applicant: **GMB – Stephen L. Marsh, P.E.**

Date: 3/29/2022

Reviewed by: **Chris Calio**

Agreement #: **1193**

Project Name: **Browning Farm**

Tax Map & Parcel(s): **134-12.00-470.00**

Sewer Tier: Tier 1 - Sussex County Unified Sanitary Sewer District

Proposed EDUs: **109**

Pump Station(s) Impacted: PS 99,

Facility treating and disposing of the wastewater: South Coastal Regional Wastewater Facility

List of parcels to be served, created from the base parcel: **N/A**

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): **N/A**

Connection Point(s): **An 8-inch lateral is provided from MH: OV 23**

Use of Existing Infrastructure Agreement required? Yes ☒ or No ☐

Annexation Required? Yes ☐ or No ☒

Easements Required? Yes ☒ or No ☐

Fee for annexation (based on acreage): **N/A**

Current Zoning: **AR-1** Zoning Proposed: **AR-1 Cluster**



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

Acreage: **27.85 +/-**

Additional Information: **Click or tap here to enter text.**

* No capacity is guaranteed until System Connection Fees are paid

All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.

Sussex County will be assessing bonding and inspection on projects on a unit cost approach per phase.

Recordation of Phasing Plans will now be required, each phase must be recorded prior to issuance of the Notice to Proceed. Any revisions to the phase will require the plan be re-recorded.

Once Construction Drawings are completed with all of the above information satisfied, please submit to:

Sussex County Utility Planning & Design Review
2 The Circle
P.O. Box 589
Georgetown DE 19947

CC: John Ashman
Jordan Dickerson
Denise Burns



A PHIL Company

Millsboro District Office

Telephone: (302) 934-3357

Fax: (302) 934-3306

700 E. Dupont Hwy.
Millsboro, De 19966

May 11, 2022

GMB Attn: Cathy Lyons
206 W. Main Street
Salisbury, MD 21801

Re: Browning Farm, Tax Map 134-12.00-470.00

Dear Cathy:

This is to confirm that Delmarva Power is the electric service provider and has electric service in the vicinity of the above mentioned parcel in Ocean View, De.

Depending upon the nature of electric service requested, facilities may have to be extended or increased from our present facilities into the parcel. This increase could be at customer expense.

Once an "Application for Electrical Service" has been received, along with load information, engineering can commence and exact details of how the load will be supplied can be developed.

Please contact me at 302-934-3357 if I can be of any further assistance.

Sincerely,

Brett Jones

Brett Jones
Engineering Fieldman
Millsboro District

MILLVILLE VOLUNTEER FIRE COMPANY INC.



DEDICATED VOLUNTEERS PROUDLY PROTECTING THEIR COMMUNITY

WWW.MILLVILLE84.COM

35554 ATLANTIC AVENUE
MILLVILLE, DE 19967

TEL: (302) 539-9535
FAX: (302) 539-7319

May 11, 2022

George Miles & Buhr LLC
Attn: Victoria Erickson
206 West Main Street
Salisbury MD 21801

RE: CTM#134-12.00-470.00
The Villas at Ocean View

Dear Ms. Erickson,

The proposed development is in Millville Volunteer Fire Company Incorporated's fire district and service area. Millville Volunteer Fire Company's position is to not support or oppose any development. We will make every effort to protect and service our fire district to the best of our ability. As development continues it further strains our ability to provide fire suppression and emergency medical services to the increased population. However, the Town of Ocean View and its property owners provide annual grant support and participate in funding our ambulance operations.

If you require additional information, please contact me at (410) 726-4539.

Sincerely,

Guy Rickards

Guy Rickards
Fire Chief
Millville Volunteer Fire Company Incorporated



*Leading Providers of Infrastructure
Asset Management and
Engineering Services since 1994*

May 16, 2022

Kenneth L. Cimino
Town of Ocean View
201 Central Avenue
Ocean View, DE 19970

**RE: Rezoning & Annexation Request
Villas at Ocean View – f.k.a. Browning Farm
Tax Map ID: 134-12.00-470.00 – 142 Woodland Avenue**

Dear Mr. Cimino:

We have reviewed the Town of Ocean View Planning & Zoning Commission Application P-340 associated with the rezoning and annexation request for the above referenced property. The application package includes:

- Petition for Annexation dated March 11, 2022,
- Supporting documentation for the Municipal Annexation Plan of Services, and,
- Development Plan (titled Concept Plan)

Based upon our review, we have the following comments.

General

1. The applicant, DRB Group of the Eastern Shore, LLC is requesting to annex tax parcel 134-12.00-470.00 and is requesting R-3 Townhouse and Multifamily District zoning. The parcel is currently zoned AR-1 Agricultural Residential.
2. The parcel is located on the southwest side of Woodland Ave. at the intersection of Mitchell Ave. and Woodland Ave., approximately 538 ft. northwest of the intersection of Balsa St. and Woodland Ave. and approximately 540 ft. southeast of the intersection of Smithfield Ct., Briarcliffe Ct. and Woodland Ave.

THE KERCHER GROUP, INC. – A Mott MacDonald Company

www.kerchergroup.com | 254 Chapman Rd., Suite 202, Newark, DE 19702 | 302-894-1098

3. The parcel consists of 27.85 acres of land, more or less, and currently contains farm fields, wooded areas and wetlands.
4. The development plan proposes 104 fee simple townhouse lots as well as passive open space and active open space amenities areas including a clubhouse, pool, and pickleball courts.
5. The development would be served by the following utilities and public services:
 - a. Sussex County - Sanitary Sewer,
 - b. Tidewater Utilities – Domestic Water, (Outside the limits of the Town system)
 - c. Delmarva Power – Electric,
 - d. Millville Volunteer Fire Co. – EMS / Fire Protection, and,
 - e. Town of Ocean View Police Department – Public Safety

Procedural / Administrative

1. The annexation and rezoning request was reviewed for compliance with the following items as they pertain to R-3 Townhouse and Multi-Family District zoning.
 - a. The Town of Ocean View Comprehensive Land Use Plan update adopted March 2020,
 - b. Chapter 140 Article III §140-20 of the Town Code: Residential Districts, and,
 - c. Chapter 140 Article V §140-29 of the Town Code: R-3 Zone
2. The Town shall administer the annexation process per the Town Charter Section 4.102, Annexation of Property More Than Five (5) Acres.
3. A Municipal Plan of Services Pursuant to Title 22, Delaware Code, Section 101 will need to be submitted to the Office of State Planning Coordination. A number of “willing and able” letters have been obtained from various utilities and service providers and are inclusive with this report.

Comprehensive Plan Compliance

1. The site is contiguous to the existing Town Boundary.
2. The site lies within the Town’s annexation area overlay as depicted on the Future Land Use map.
3. The site is noted as Planned Community on the Future Land Use map. The proposed zoning of R-3 Townhouse and Multifamily District is consistent with uses contemplated in planned communities. Residential Planned Communities may include R-1, R-2 and/or R-3 types of uses and have no minimum area requirement for commercial uses. Dimensional standards not specified by the ordinance associated with the creation of a planned community default to R-3 requirements.

Zoning Compliance

1. Chapter 140 Article III §140-20 of the Town Code: Residential Districts notes that one of the purposes of R-3 Townhouse and Multifamily District zoning is for "...single unit dwellings, attached units situated side-by-side or on top of the other, townhouses, and multifamily units."
2. Chapter 140 Article V §140-29 of the Town Code: R-3 Zone lists the dimensional regulations associated with townhouse development in R-3 Townhouse and Multifamily Districts. The following specific items are included.
 - a. The minimum tract area is 1.0 acre. The site is 27.85 acres.
 - b. The maximum dwelling units per acre is 6. At 6 dwelling units per acre, the site could theoretically support 167 units. The development plan proposes 104 units.
 - c. The minimum distance between townhouse rows is 25 ft. The development plan shows a minimum of 30 ft.
 - d. The maximum number of townhouses in a single attached row is 6. The development plan shows a mix of attached rows of 4, 5 and 6.
 - e. The minimum tract frontage is 50 ft. The site frontage along Woodland Ave. is approximately 369 ft.
 - f. The setbacks from the tract boundary are 30 ft. along the front line, 25 ft. along the side lines and 30 ft. along the rear line. The development plan shows approximately 33 ft. along the front, and a minimum of 30 ft. along the sides and rear.
 - g. The minimum tract green area is 50%. The development plan shows 63%.
 - h. The minimum lot area for interior lots is 2,000 sq.ft. and for end lots is 3,000 sq.ft. The development plan shows a minimum interior lot of 4,480 sq.ft. and a minimum end lot of 6,235 sq.ft.
 - i. The minimum lot width for interior lots is 20 ft. and for end lots is 30 ft. The development plan shows 28 ft. wide interior lots and a minimum 43 ft. wide end lot.
 - j. The minimum lot depth is 100 ft. The development plan shows a minimum lot depth of 160 ft. for interior lots and 145 ft. for end lots.
 - k. The setbacks for each lot are 25 ft. from the front line, 0 ft. from the side line for interior units and 15 ft. from the side line for end units, and 30 ft. from the rear line. The development plan matches these minimum requirements.
 - l. The maximum height for townhouses is 42 ft. and 3 stories. The townhouses will need to comply with this requirement.
 - m. The maximum lot coverage including all buildings and structures is 55%. The development plan shows a maximum of 55%.
 - n. The minimum livable floor area per townhouse is 1,250 sq. ft. The development plan shows a minimum of 1,904 sq. ft.
3. No portion of the site lies within a FEMA mapped Special Flood Hazard Area. Chapter 116 Article I Flood Damage Reduction will not apply to this development.

4. Chapter 116 Article II: Wetlands addresses the requirements for delineation of wetlands as well as the protections for any wetlands identified. The development plan shows approximately 2.87 acres of non-tidal wetlands. The plan shows appropriate buffering for the wetlands depicted. A report documenting the wetlands delineated will be required as part of the Development Plan Approval process. The boundary of the wetlands will be verified at that time and final buffers determined.
5. No portion of the site lies within a Water Resource Protection Area as defined by Chapter 116 Article III Water Resource Protection Areas. That portion of the code will not apply to this development.
6. Chapter 140 Article XI §140-71 of the Town Code: Recreation and Open Space Required notes that 300 sq. ft. per unit or ½ acre of land, whichever is greater, is required to be dedicated for park and recreation purposes. For this development 31,200 sq. ft. of open space is required. The development plan shows 6.74 acres of open space.
7. Chapter 187 Article I §187-2 of the Town Code: Street Standards notes dimensional requirements for rights-of-way and roadway widths. The following specific items are appropriate to note at this stage of review.
 - a. The minimum width for rights-of-way for minor collector streets is 60 ft. and for minor streets is 50 ft. The development plan shows a 60 ft. wide right-of-way for the entrance road that will see traffic from all of the units within the development. The right-of-way narrows to 50 ft. for the loop around the remainder of the development that will only see a portion of the traffic once trips are divided at the first intersection
 - b. The minimum roadway width for minor collectors is 36 ft. and for minor streets is 30 ft. The development plan shows 36 ft. for the entrance road within the 60 ft. wide right-of-way and 30 ft. for the streets throughout the rest of the development as described above.
 - c. The proposed streets will be dedicated to public use and turned over to the Town.
8. Chapter 187 Article II §187-9: Sidewalks and Paths requires sidewalks 5 ft. in width and at least 2 ft. from the back of the curb. The development plan shows sidewalks 5 ft. in width at least 3 ft. from the back of the curb.
9. Chapter 140 Article IX §140-59 Off-Street Parking requires 2 parking spaces per dwelling unit in addition to garage space. For the 104 units shown on the development plan, 208 off-street parking spaces would be required. This section also requires overflow parking for residential developments over 10 acres at the rate of an additional 10% of the required spaces. This would be an additional 21 off-street parking spaces required for a total of 229. The development plan shows 2 off-street parking spaces provided in driveways outside of garages for each unit and two bays of off-street parking near the amenities area including an additional 28 spaces. This results in a total of 236 off-street parking spaces provided.
10. Although there is no code requirement for a perimeter buffer between the proposed townhouse use within an R-3 Townhouse and Multifamily District and adjacent properties,

the development plan shows a 30 ft. wide wooded buffer around the perimeter of the site. In some instances, this buffer is in open space. In some instances, it is on lots.

11. Although there is no specific code requirement limiting tree clearing, the development plan shows 8.53 acres of existing wooded area with 4.59 acres to remain. It is noted that the final area to remain could change based on final engineering design.

State Strategies

The site is located within an Investment Level 2 – Developing Area by the 2015 Delaware Strategies for State Policies and Spending. These strategies were identified by the Delaware Office of State Planning to coordinate land use decision making with infrastructure and services in order to make the best use of Delaware's natural and fiscal resources. Level 2 areas are considered to be "less developed, but rapidly growing, suburban and urban areas where infrastructure is in place or planned for the near future".

Development Plan Approval

1. Should the annexation and rezoning request be found acceptable, and the site successfully annexed into Town, approval of the development plan will be governed by Chapter 140 Article XVI of the Town Code: Development Plan Approval. This will include concept, preliminary and final plan stage submissions as well as Planning and Zoning review and vote as necessary throughout.
2. All applicable outside agency approvals will also be required through the development plan approval process including:
 - a. Office of State Planning,
 - b. Delaware State Fire Marshal,
 - c. Sussex Conservation District,
 - d. Sussex County Engineering, and,
 - e. Tidewater Utilities.

If you have any questions, please feel free to give me a call. I welcome the opportunity to discuss the plan with you.

Regards,
THE KERCHER GROUP, INC. – A Mott MacDonald Company


James H. Lober, P.E.
Territory Manager - Engineering

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TOWN OF OCEAN VIEW

201 Central Avenue – 2nd Floor
Ocean View, DE 19970
302 539-9797 (office) • 302 537-5306 (fax)
www.oceanviewde.com

CTM # 134-12.00 - 470.00

May 12, 2022

TO: Town of Ocean View Planning Commission Members
FROM: Carol S. Houck, Town Manager 
SUBJECT: Annexation Prospect – *Villas at Ocean View* – 142 Woodland Avenue

BACKGROUND

The subject property located at 142 Woodland Avenue is currently governed by Sussex County, Delaware. The proposed development of the property regardless of governing body, will front towards Woodland Avenue, a Town owned and maintained street. The only entrance and exit for the planned development will be on Woodland in the Town of Ocean View.

I have had limited engagement with the developers' representatives with the exception of meeting with them to highlight the recent efforts and accomplishments of the Town of Ocean View. At that time, strong interest to annex into the Town of Ocean View was expressed in association with the added value of having an Ocean View address as well as access to the provision of Town services.

ADMINISTRATIVE SUPPORT FOR THIS ANNEXATION

The proposed annexation of property to be known as the *Villas at Ocean View* is fully supported by the Town of Ocean View Administrative Division for the following reasons:

- Contiguous Property – the subject property is contiguous to property currently in the Town limits as required but further, this annexation will allow for an improved Town border along a Town roadway with similar residential developments.
- Sense of Community – the annexation of the subject property for the development of the *Villas at Ocean View* as proposed, will increase the sense of community in a section of Town that borders both earlier and more near term residential development. The property location is such that it will easily integrate into the Town, boosting key attributes of a community/neighborhood such as walkability, recreational amenities, open space etc.
- Provision of Services – the provision of Town supported services would be supported by property owners of the proposed development if annexed into Town through tax revenue. This is a prime consideration/goal given the location and benefits to be derived by its inhabitants. Failure to annex would result in the receipt of general benefits without financial support. A separate Financial Analysis based on the proposed development has also been prepared.

- Town Staffing – it is not anticipated that this annexation alone will trigger a need for increased staffing however, other initiatives (additional parks, housing developments, etc.) not currently known could require additional support. Any such requirement would be documented and recommended through staffing studies or when additional projects, services or amenities are being considered.
- Alignment with the Towns Comprehensive Plan – The annexation of this property for the purpose of developing the Villas at Ocean View aligns fully with the interests of the Town through our Comprehensive plan including the following:
 - It offers a residential development that compliments the surrounding area.
 - It provides a logical improvement to the Town border.
 - The development will provide long term financial contribution towards Town delivered services in and around its location.
 - The concept plan provides open space and beautification and manages its stormwater needs.
 - The development will be readily accessible to the Towns infrastructure of streets, storm drainage, sidewalks, bike lanes, park(s), the County sanitary sewer system and private water, and electric utilities.
 - The development is located such that it does not represent a hardship in regard to the provision of Public Safety services.

RECOMMENDATION

It is therefore recommended that the Planning Commission of the Town of Ocean View support the annexation request of the developers for the *Villas at Ocean View* as the concept plan conforms to the Towns Comprehensive Planning document and the surrounding residential areas. In doing so the property will then be within the corporate limits of the Town and as such provide its fair share of financial support for services, while adding to the sense of community in the area.

Ocean View Police Department
201 Central Ave
Ocean View, DE 19970
302.539.1111
Fax: 302.537.3787



Kenneth M. McLaughlin
Chief of Police

TO: Ocean View Planning and Zoning Commission
FROM: Chief Kenneth McLaughlin 
DATE: May 09, 2022
SUBJECT: Town of Ocean View Annexation -- The Villas at Ocean View (Browning Farm)

The Ocean View Police Department reviewed the application and discussed the developer's plans with Planning and Zoning Director Ken Cimino. Subsequently, I am confident that the Ocean View Police Department will be able to provide police services to The Villas at Ocean View sub-division if and when annexed into the Town of Ocean View.

TOWN OF OCEAN VIEW
DELAWARE

May 17, 2022

TO: Planning and Zoning Commission
FROM: Dawn Mitchell Parks, Finance Director
VIA: Carol S. Houck, Town Manager
SUBJECT: The Villas at Ocean View, f.k.a. Browning Farm / CTM# 134-12.00-470.00
142 Woodland Avenue - Annexation Review of 27.85 acres – Financial Analysis

Attached is the financial analysis of the proposed annexation of 27.85 acres located at 142 Woodland Avenue.

The “Estimated Revenues” section provides that certain, specific revenues should be estimated. Those revenues are as follows:

- Real estate property taxes
- Real estate transfer taxes
- Permit fees
- Impact fees
- Rental License and Gross Rental Receipt Tax
- Emergence Services Enhancement Trust Fund (“ESEF”)

The “Estimated Expenditures” section provides that following expenses should be estimated. Those expenses are as follows:

- Cost of police services
- Cost of DPW services
- Cost of administrative services
- Cost of assessment records’ fees
- Cost of road maintenance
- Cost of streetlights
- Possible need of additional Town staff
- Expansion of the municipal water distribution system

Assumptions:

The estimated revenues and expenditures are based on the following:

- 100 Townhomes in pods of four (4), five (5) or six (6) units with an anticipated average sale price of \$525,000.
 - 2600 sq ft; 4 bedroom / 3.5 bathroom
 - 2300 sq ft; 3 bedroom / 2.5 bathroom
 - Lot size - 4,500 approximate sq footage
 - 3,260 Linear Feet of roadway
 - Average / estimated construction cost of \$200,000 (+/-) per unit
- Construction will commence in fiscal year 2024 with minimal revenue to the Town in fiscal year 2023.

- Build out of project will occur over a period of 3.5 years (30 units per year after development work is completed)

Revenue Projections:

With anticipated construction commencing in the spring of 2023, we anticipate minimal revenue to the Town in fiscal year 2023.

For the purposes of this financial analysis, revenues have been conservatively estimated in the 5-year totals.

As shown on the recap, the Town anticipates revenue collected during the permitting and sales process to be estimated at \$1.3 Million with an estimated amount of \$455,300 to be transferred to the Town's trust funds (ESEF, CRTF and SRRTF) leaving \$942,00 for Ocean View operations from the constructions phase. Projected property tax, gross rental receipt tax and rental licenses over the 5-year period are estimated at \$510,380 giving the Town \$1.4 Million in revenue available for operations over the next five (5) fiscal years.

Expenditure Projections:

We are estimating annual expenses after full build out to be \$3,500 per year with minimal impact on police service, DPW service, road maintenance or the need for additional employees. At this time, the Town assumes no responsibility for streetlight costs and the expansion of the municipal water distribution system is not applicable to this annexation.

Construction will commence at the beginning of **FY24** - minimal revenue to Town in **FY23**.

Build out of the project will occur ratably over a period of	3.5	years - as follows:					
		FY24	FY25	FY26	FY27	FY28	
		10.0%	30.0%	30.0%	30.0%	0.0%	

crossfoot
100%

crossfoot
100%

The "Estimated Revenue" section of the "Financial Analysis of Proposed Annexation" provides that certain, specific revenues should be estimated. Those revenues are as follows:

- (A) Real estate property taxes
- (B) Real estate transfer taxes
- (C) Permit fees
- (D) Impact fees
- (E) Rental license fees and Gross Rental Receipt Tax (GRRT)
- (F) Emergency Services Enhancement Trust Fund ("ESEF")

Calculations are shown below.

Construction Revenue				(C) Permit fees		(D) Impact fees & (F) ESEF fees	
Parcels	Sussex County CTM # 134-12.00	Proposed construction		Construction permit revenue		Impact Fees @ \$1,936 / unit	
		# units	Type	Est. sale price / unit	Total Sales	Impact Fees \$1,436	ESEF \$500
			Townhomes - 4 bedroom / 3.5 Bath				
	30.00 & 30.02	50		550,000	27,500,000		
			Townhomes - 3 Bedroom / 2.5 Bath				
	30.03 & 30.04	50		500,000	25,000,000		
		Totals			\$ 52,500,000	\$ 306,250	\$ 50,000
						\$ 143,600	\$ 100,000

(A) Real Estate Property Taxes - estimated Assessed Value is based on Selling Price of units

Type	# units	Est. sale price / unit	Total Sales / Assessed Value	Projected property tax billings - rate increase =	each year
				Rate-FY25	Rate-FY27
Townhomes	50	550,000	27,500,000	\$ Billed	\$ Billed
				Rate-FY25	Rate-FY27
Townhomes	50	500,000	25,000,000	\$ Billed	\$ Billed
				Rate-FY25	Rate-FY27
Totals			\$ 124,845	\$ 130,095	\$ 130,095

(B) Real Estate Transfer Taxes - based on Selling Price of units and current transfer tax rate allocated to OV

Type	# units	Est. sale price / unit	Total Sales / Assessed Value	Trf Tax Revenue
Townhomes	50	550,000	27,500,000	412,500
Townhomes	50	500,000	25,000,000	375,000
Totals			\$52,500,000	\$ 787,500

1.50%

(E) Rental License fees generated from rental units

Some of the residential units will rented:

Rental license fees generated

Annual rental license cost = \$ 150

total # residential units from above = 100

estimated % of units that will be rented = 20%

20.0 = estimated number of residential units to be rented

Annual rental license fees = \$ 3,000 at current annual license fee

(+) Gross Rental Receipts Tax (GRRT) Revenue - Primarily from Commercial units

Current GRRT rate = 5%

Some of the residential units will rented:

20.0 = avg number of residential units rented from above (annual & seasonal)

\$ 2,200 = avg monthly rental for a year round rental

Annual rentals from residential units = \$ 528,000

\$ 26,400 = Residential GRRT generated annually at current tax rate

RECAP - Total OV Revenue									
(B)	Transfer tax based on selling price	5-Yr Totals	FY24	FY25	FY26	FY27	FY28		
(C)	Building permit revenue	\$ 787,500	\$ 78,750	\$ 236,250	\$ 236,250	\$ 236,250	\$ -		
	Impact fees @ \$1,936 per residential unit	306,250	30,625	91,875	91,875	91,875	-		
(D)	Impact fee component	\$ 143,600							
(F)	ESEF fee component	50,000							
(F)	ESEF collected when permit issued (based on permit value)	193,600	19,360	58,080	58,080	58,080	-		
		100,000	10,000	30,000	30,000	30,000	-		
	Total collected during permitting process	1,387,350	-	138,735	416,205	416,205	416,205	-	
	Deduct collected funds <u>not</u> available for operations:								
	ESEF collections that must be "granted out"	(150,000)	(15,000)	(45,000)	(45,000)	(45,000)	-		
	Eligible transfer taxes used to "fund" trust funds:								
	CRTF @ 12.5%	(98,438)	(9,844)	(29,531)	(29,531)	(29,531)	-		
	SRRTF @ 25.0%	(196,875)	(19,688)	(59,063)	(59,063)	(59,063)	-		
	Total <u>not</u> available for operations	(445,313)	-	(44,531)	(133,594)	(133,594)	-		
	Available for OV operations from construction phase	\$ 942,038	-	94,204	282,611	282,611	282,611	-	
Add: Recurring Revenue - builds ratably over 5 years									
(A)	Projected property tax - based on FY28 projected rate	\$ 130,095	13,010	52,038	91,067	130,095	130,095		
(+)	Projected GRRT tax	26,400	2,640	10,560	18,480	26,400	26,400		
(E)	Projected rental licenses	3,000	300	1,200	2,100	3,000	3,000		
	Total recurring revenue	\$ 159,495	15,950	63,798	111,647	159,495	159,495		
	Total revenue available for OV operations		\$ 110,153	\$ 346,409	\$ 394,258	\$ 442,106	\$ 159,495		

Notes

This analysis does not consider certain incidental revenue items such as:

- 10% administrative fee that will be charged on engineering reviews of site and lot development during the construction phase.
Additional business licenses that may be issued to construction trades people that are working on this project.
Planning & Zoning and Board of Adjustment fees that may be charged during the construction process.
Additional transfer taxes generated from property resales.
Additional permit, impact fee, and ESEF collections from property improvements after initial construction.

**Assumptions & Revenue Projections -
Application P-340**

Villas at Ocean View

The "Estimated Expenses" section of the "Financial Analysis of Proposed Annexation" checklist provides that the following expenses should be estimated:

**Annual/recurring costs
projected after buildout**

(A) Cost of police service

Minimal impact.

Property is along Woodland Avenue in an area currently patrolled by the OVPD.

\$ -

(B) Cost of DPW service

Minimal impact.

DPW daily street patrol time would be minimal.

(C) Cost of administrative service

Mailing and processing tax accounts and bills to include materials & postage plus personnel time to bill &

collect at \$ 19.99 "labor" estimate per tax account

Acctg time + Mailing

\$ per unit	# of units	Total
\$ 21.73	100	\$ 2,173
		2,173

(D) Cost of assessment records' fees

Costs for specific assessment tasks based on the Pearson's Appraisals, Inc. current contract are as follows:

	\$ per unit	# of units	Total
One time cost as construction is completed			
Set up new annexation/subdivision - 1x	\$ 30.00	100	\$ 3,000
Initial assessment for each new structure - 1x	\$ 75.00	100	7,500

Annual costs

Data base maintenance

\$ 8.00 100 \$ 800

Additions - assume that 19% of the parcels have improvements/additions made each year

\$ 30.00 19 570 **1,370**

(E) Cost of road maintenance

No anticipated budget impact through FY28.

(F) Cost of street lights if Town assumes this cost

Monthly cost is estimated based on current street light bills from

Delmarva Power = \$ -

Need more input as to extent of street lighting & reason this would be an OV expense.

(G) Possible need for additional employees

Minimal impact.

(H) Expansion of municipal water distribution system

Not applicable - CPCNs for these properties are not held by OV.

Estimated annual expenses after full build out - in FY27 Dollars

\$ 3,543

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(302) 539-1208, Ext. 113
FAX (302) 537-5306
admintov@oceanviewde.com
www.oceanviewde.com

TOWN OF OCEAN VIEW

201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

VIA EMAIL AND USPS

May 16, 2022

Mr. Jamie Whitehouse, AICP
Director, Department of Planning and Zoning, Sussex County
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: CTM ID 134-12:00-470.00
142 Woodland Avenue

Dear Mr. Whitehouse:

This letter is sent to notify you that DRB Group of the Eastern Shore, LLC (DRB) has requested annexation of 27.85 acres of land, more or less, into the Town of Ocean View and is requesting R-3 Townhouse and Multifamily district zoning.

This property is located on the south side of Woodland Avenue at the intersection of Mitchell Avenue and Woodland Avenue, approximately 538 ft. Northwest of the intersection of Balsa St. and Woodland Avenue and is currently zoned AR-1 Agricultural Residential.

The Ocean View Planning and Zoning Commission has scheduled a public hearing at 6 p.m. on May 19, 2022, in the Town Hall to review this annexation petition and would welcome your comments on this annexation request. If you prefer to send written comments, you may email them to me at kcimino@oceanviewde.gov.

Very truly yours,



Kenneth L. Cimino
Director of Planning and Development

KLC:klc

Cc: Dennis L. Schrader, Town Solicitor – Morris James LLP
Jill Oliver, Planner

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(302) 539-1208, Ext. 113
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admintov@oceanviewde.com
www.oceanviewde.com

TOWN OF OCEAN VIEW

201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

VIA EMAIL AND USPS

June 2, 2022

Colonel Melissa Zebley
Delaware State Police Headquarters
1441 N. Dupont Highway
Dover, DE 19901

RE: CTM ID 134-12:00-470.00
142 Woodland Avenue

Dear Colonel Zebley:

This letter is sent to notify you that DRB Group of the Eastern Shore, LLC (DRB) has requested annexation of 27.85 acres of land, more or less, into the Town of Ocean View and is requesting R-3 Townhouse and Multifamily district zoning.

This property is located on the south side of Woodland Avenue at the intersection of Mitchell Avenue and Woodland Avenue, approximately 538 ft. Northwest of the intersection of Balsa St. and Woodland Avenue and is currently zoned AR-1 Agricultural Residential.

The Ocean View Town Council has scheduled a public hearing for the first reading of an annexation ordinance at 7 p.m. on June 14, 2022, in the Town Hall. We would welcome your comments on this annexation request. If you prefer to send written comments, you may email them to me at kcimino@oceanviewde.gov.

A copy of Chief Kenneth McLaughlin's memorandum to our Planning & Zoning Commission is attached here for your reference.

Very truly yours,



Kenneth L. Cimino
Director of Planning and Development

KLC:klc

Cc: Chief Kenneth McLaughlin, Ocean View Police Department
Jill Oliver, Planner

Enclosure

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TOWN OF OCEAN VIEW

201 Central Avenue – 2nd Floor

Ocean View, DE 19970

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

kcimino@oceanviewde.gov / www.oceanviewde.gov

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May 2, 2022

Pauksts Trust c/o Anita Smawley
134 Woodland Ave.
Ocean View, DE 19970

134-12.00-470.00

TOWN OF OCEAN VIEW PUBLIC NOTICE PLANNING AND ZONING COMMISSION

Annexation Request, Application P-340

142 Woodland Avenue (27.852 acres, more or less)

(PIDN: 034.000 / CTM# 134-12.00-470.00 / SW Woodland Ave. SE/Bella Via Way)

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of the Town of Ocean View will review an annexation petition for 142 Woodland Avenue, submitted by the property owners, DRB Group of the Eastern Shore, LLC, for the annexation of 27.852 acres of land (more or less) into the Town limits of Ocean View and establishing the zoning designation as R-3 Townhouse and Multifamily District. (PIDN: 034.000 / CTM# 134-12.00-470.00).

The Town will hold this review on **Thursday, May 19, 2022 at 6:00pm** or as soon as possible thereafter in the Ocean View Community Center (Town Hall) located at 32 West Avenue. All interested parties are welcome to attend. The meeting will be available online via livestream on the Town's YouTube channel and the viewing public will have the opportunity to comment or ask questions during the hearings by sending an email to comment@oceanviewde.gov. The link to the livestream and the email address will appear on the posted agenda for the meeting and in the calendar portion of the Town's website www.oceanviewde.gov. Written comments will also be accepted prior to the meeting. Please note that the meeting agenda is subject to change.

The material may be examined by interested parties on the second floor of the Wallace A. Melson Municipal Building located at 201 Central Avenue between 8:30 a.m. and 12:00 p.m. and 1:00 p.m. through 4:00 p.m., Monday through Friday. For additional information, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at kcimino@oceanviewde.gov.

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TOWN OF OCEAN VIEW

201 Central Avenue – 2nd Floor

Ocean View, DE 19970

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

kcimino@oceanviewde.gov / www.oceanviewde.gov

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May 25, 2022

Pauksts Trust c/o Anita Smawley
134 Woodland Ave.
Ocean View, DE 19970

134-12.00-470.00

TOWN OF OCEAN VIEW PUBLIC NOTICE TOWN COUNCIL FIRST AND SECOND READINGS

The Town Council of Ocean View will hold a public hearing for a first reading of the following ordinance on Tuesday, June 14, 2022 and a public hearing for a second reading of the following ordinance on Tuesday, July 12, 2022:

An Ordinance Annexing into the Town Limits of the Town of Ocean View of 27.852 acres, more or less, being the Lands of DRB Group Eastern Shore, LLC (142 Woodland Avenue / CTM# 134-12.00-470.00, Current Zoning: Sussex County AR-1 Agricultural-Residential, Requested Zoning: R-3 Townhouse & Multifamily District)

All public hearings will be held at 7:00 pm or as soon as possible thereafter prior to the Town Council Meetings in the Ocean View Community Center/Town Hall located at 32 West Avenue. The ordinance may be examined online or on the second floor of the Wallace A. Melson Municipal Building located at 201 Central Avenue between 8:30 am and 4:00 pm, Monday through Friday by appointment only.

All interested parties are welcome to attend the public hearings and present their views. If unable to attend the public hearings, written comments will be accepted but must be received prior to the meeting.

The public hearings will be available online via livestream on the Town's YouTube channel and the viewing public will have the opportunity to comment or ask questions during the hearings by sending an email to comment@oceanviewde.gov. The link to the livestream and the email address will appear on the posted agenda for the meeting and in the calendar portion of the Town's website www.oceanviewde.gov. Please note that the meeting agenda is subject to change.

For additional information, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at kcimino@oceanviewde.gov.

PIDN	TM#	PL#	Property Location Street	Owner	OMA #	OMA Street	OMA City	OMA State	OMA Zip
034.010	134-12.00-470.00	134	Woodland Ave.	Pauksts Trust c/o Anita Smawley	134	Woodland Ave.	Ocean View	DE	19970
034.020	134-12.00-470.02	138	Woodland Ave.	West, Jeannette N.		P.O. Box 1061	Ocean View	DE	19970
n/a	134-16.00-842.00	148	Woodland Ave.	McCarra, Derek & Nicole	148	Woodland Ave.	Ocean View	DE	19970
n/a	134-12.00-2295.00	32623	Bella Via Ct.	Bongioni, Janine	15	Spalding Dr.	Holmdel	NJ	07733
n/a	134-12.00-2296.00	32625	Bella Via Ct.	Avato, Steven & April	46889	Ducksprings Way	Sterling	VA	20164
n/a	134-12.00-2297.00	32627	Bella Via Ct.	White, Robin & White, Gale	32627	Bella Via Ct.	Ocean View	DE	19970
n/a	134-12.00-2298.00	37409	Bella Via Ct.	Young, Thomas & Suzanne	12606	Groveswood Ct.	Clarksville	MD	21029
n/a	134-12.00-2302.00	37410	o/s Reserves						
n/a	134-12.00-2303.00	37412	Bella Via Way	Shull, A. Lee, Jr.	273	Baywood Ave.	Pittsburgh	PA	15228
n/a	134-12.00-2304.00	37414	Bella Via Way	Laporte, Bruce P. Trustee	203	Pinchurst Rd	Wilmington	DE	19803
n/a	134-12.00-2305.00	32712	Firenzia Ct.	Rixmann, Randall A.	37414	Bella Via Way	Ocean View	DE	19970
n/a	134-12.00-2306.00	32714	Firenzia Ct.	Gossart, John & Heather	32712	Firenzia Ct.	Ocean View	DE	19970
n/a	134-12.00-2307.00	32716	Firenzia Ct.	Monos, Mary Ellen Monos	32714	Firenzia Ct.	Ocean View	DE	19970
n/a	134-12.00-2308.00	32718	Firenzia Ct.	DiCarlo, Steven P. & Donna L.	32716	Firenzia Ct.	Ocean View	DE	19970
n/a	134-12.00-2309.00	32720	Firenzia Ct.	Palmer, Francis P.	32718	Firenzia Ct.	Ocean View	DE	19970
n/a	134-12.00-2310.00	37428	Bella Via Way	Martin, Charles & Ellen	32720	Firenzia Ct.	Ocean View	DE	19970
n/a	134-12.00-2311.00	37559	Bella Via Way	Davis, Victor Carroll, Sr. & Marlene Mary					
n/a	134-12.00-2312.00	37557	Bella Via Way	Cohen, Allan & Barbara	37428	Bella Via Way	Ocean View	DE	19970
n/a	134-12.00-2389.00	37554	Bella Via Way	Wanalista, David M. & Sandra P.	37559	Bella Via Way	Ocean View	DE	19970
n/a	134-12.00-2390.00	37552	Bella Via Way	Milmoe, Brian J. Jr	37557	Bella Via Way	Ocean View	DE	19970
n/a	134-12.00-2391.00	37550	Bella Via Way	Miskowich, Marilyn Anne	37554	Bella Via Way	Ocean View	DE	19970
n/a	134-12.00-2467.00	37432	Bella Via Way	Scherer, Jo Anna	37552	Bella Via Way	Ocean View	DE	19970
n/a	134-12.00-2466.00	32874	Tivoli Ct.	Short, Tony & Lorri	720	Great Heron Dr.	Edgewater	MD	21037
n/a	134-12.00-2465.00	32876	Tivoli Ct.	Ollman, Richard B.	32874	Tivoli Ct.	Ocean View	DE	19970
n/a	134-12.00-2464.00	32878	Tovoli Ct.	Holmberg, Timothy & Kathleen	32876	Tivoli Ct.	Ocean View	DE	19970
n/a	134-12.00-2463.00	32880	Tivoli Ct.	Starr, Mark & Ellen	32878	Tivoli Ct.	Ocean View	DE	19970
n/a	134-12.00-2462.00	32882	Tivoli Ct.	Schlafman, Tevia & Wolowitz, Linda	32880	Tivoli Ct.	Ocean View	DE	19970
n/a	134-12.00-2461.00	32884	Tivoli Ct.	Katz, Jay & Jacqueline Trustees	32882	Tivoli Ct.	Ocean View	DE	19970
n/a	134-16.00-842.00	148	Woodland Ave.	Casey, Cathleen		P.O. Box 169	Bethany Beach	DE	19930
n/a	134-16.00-804.00	37684	Balsa St.	McCarra, Derek & Nicole	148	Woodland Ave.	Ocean View	DE	19970
n/a	134-16.00-805.00	37706	Balsa St.	Romine, Jeanne S. & Wojciechowski		P.O. Box 169	Ocean View	DE	19970
n/a	134-16.00-806.00	n/a	Balsa St.	Haley, Winward	37696	Balsta St.	Ocean View	DE	19970
n/a	134-16.00-807.00	37712	Balsa St.	Wong, Walter & Fisher, Valerie	37706	Balsta St.	Ocean View	DE	19970
n/a	134-16.00-808.00	37714	Balsa St.	Caulder, Alexander & Patricia	226	Cornwell Dr.	Bear	DE	19701
n/a	134-16.00-809.00	37718	Balsa St.	Cooper, Robert & Leah, Investment			Saratoga Springs	UT	84045
n/a	134-16.00-810.00	37722	Balsa St.	TTEE IRR TR	3663	Lake Mountain Dr.	Ocean View	DE	19970
n/a	134-16.00-811.00	37724	Balsa St.	Holson, James	37714	Balsta St.	Ocean View	DE	19970
n/a	134-16.00-812.00	37726	Balsa St.	Street, Robert & Cynthia	37718	Balsta St.	Ocean View	DE	19970
n/a	134-16.00-813.00	37728	Balsa St.	Gerrity, Douglas & Muller, Marie	416	Pleasant Ridge Rd.	Poughquag	NY	12570
n/a	134-16.00-814.00	37724	Balsa St.	Rommel, Jeffrey & Janet	27	W. Obrecht Rd.	Sykesville	MD	21784
n/a	134-16.00-815.00	37726	Balsa St.	Martin, Brian & Jesika		P.O. Box 808	Bethany Beach	DE	19930
n/a	134-16.00-816.00	37728	Balsa St.	Oswald, Monica & Benedetto, Robert	508	Carousel Cr.	Norristown	PA	19403

n/a	134-16.00-814.00	37732	Balsa St.	Emrick, Michael & Joan	3445	Hyacinth Pl. Unit B	Waldorf	MD	20602
n/a	134-16.00-815.00	37734	Balsa St.	Kitchin, Michael & Cheryl	12908	Wheatland Way	Brandywine	MD	613
n/a	134-16.00-816.00	37738	Balsa St.	Brice, Shane & Kimberly	37738	Balsa St.	Ocean View	DE	19970
n/a	134-16.00-817.00	37740	Balsa St.	Austin, Cavelli	1750	S. El Camino Real Unit 103	Encinitas	CA	92024
n/a	134-16.00-818.00	37744	Balsa St.	Wharton, Kevin & Nancy	37744	Balsa St.	Ocean View	DE	19970
n/a	134-12.00-2404.00	33002	Venezia Way	Trout, Edwin & Ann	33002	Venezia Way	Ocean View	DE	19970
n/a	134-12.00-2405.00	33000	Venezia Way	Jankowski, Kathleen	33000	Venezia Way	Ocean View	DE	19970
n/a	134-12.00-2406.00	32998	Venezia Way	Falik, Joel & Anne TTY REV TR	32998	Venezia Way	Ocean View	DE	19970
n/a	134-12.00-2407.00	32996	Venezia Way	Delricco, Geroge & Annmarie	32996	Venezia Way	Ocean View	DE	19970
n/a	134-12.00-2708.00	32992	Venezia Way	Greenblath, Jason & Sherry	2413	Venezia Way	Ocean View	DE	19970
n/a	134-12.00-2409.00	32990	Venezia Way	Mazzuca, Matthew & Linda	9742	April Dr.	Jamison	PA	21797
n/a	134-12.00-2468.00	n/a	The Reserves O/S	TAC Beacon II, LLC	301	Wyndham Dr.	Frederick	MD	21704
321.010	134-12.00-509.15	29	Kent Ave.	Budd, Kenneth & Carolyn	112	N. Ashview Ln.	Wilmington	DE	19807
321.020	134-12.00-1743.00	27	Kent Ave.	Nascak, Patrick & Monica	30	Oakdale Rd	Chester	NJ	07930
321.280	134-12.00-1761.00	30	Kent Ave.	Ricker Jr., Mark & Lynne	30	Fogland Ln.	Ocean View	DE	19970
321.290	134-12.00-509.11	117	West Ave.	Kues, Marcey	117	Kent Ave.	Ocean View	DE	19970
036.070	134-12.00-1392.00	151	Woodland Ave.	Sebastianelli, Elda	500	West Ave.	Ocean View	DE	19970
036.020	134-12.00-473.00	112	West Ave.	Breasure, Wayne & Elaine	112	Wheeler Ave.	Scranton	PA	18510
036.080	134-12.00-472.00	149	Woodland Ave.	Beck, Michael & Emma	12100	West Ave.	Ocean View	DE	19970
036.090	134-12.00-1391.00	6	Sussex Ave.	Breasure, Wayne & Elaine	112	Old Bridge Rd.	Rockville	MD	20852
036.050	134-12.00-474.00	110	West Ave.	Flynn, Daniel & Beverly	118	West Ave.	Ocean View	DE	19970
036.100	134-12.00-475.00	5	Sussex Ave.	Finnegan, James & Linda	5	Worths Bridge Rd.	Oxford	PA	19363
035.020	134-16.00-843.00	150	Woodland Ave.	Winghaven Properties, LLC	9590	Sussex Ave.	Ocean View	DE	19970
036.200	134-12.00-1390.00	147	Woodland Ave.	Ayres, Dennis & Patricia	147	Nanticoke Business Park Dr.	Seaford	DE	19973
036.210	134-12.00-471.00	143	Woodland Ave.	Salvatore, Michael	5580	Woodland Ave.	Ocean View	DE	19970
036.190	134-12.00-476.00	7	Sussex Ave.	Farley, James & Diane	5	Warren Dr.	Huntingtown	MD	20639
036.220	134-12.00-477.00	9	Sussex Ave.	Mercandante, William & Kimberly	1265	Old Baltimore Ct.	Olney	MD	20832
036.310	134-12.00-478.00	11	Sussex Ave.	Stadnik, Beat & Kemp, John	3601	West Bridge St.	Spring City	PA	19475
036.210	134-12.00-1389.00	139	Woodland Ave.	Young, George	139	N. Kenilworth St.	Arlington	VA	22207
036.340	134-12.00-479.00	13	Sussex Ave.	Cripps, Randolph & Patricia	134	Woodland Ave.	Ocean View	DE	19970
034.010	134-12.00-470.01	134	Woodland Ave.	Pauks Trust, Renate C/O Smawley, Anita	134	Duck Farm Rd.	Oxford	PA	19363
034.020	134-12.00-470.02	138	Woodland Ave.	West, Jeanette	134	Woodland Ave.	Ocean View	DE	19970
036.360	134-12.00-489.01	28	Mitchell Ave.	Wetzstein, Elizabeth		P.O. Box 1061	Ocean View	DE	19970
036.370	134-12.00-489.00	26	Mitchell Ave.	Bausman, Joann		P.O. Box 986	Ocean View	DE	19970
036.380	134-12.00-1380.00	24	Mitchell Ave.	Evans, Dianna	24	P.O. Box 1518	Ocean View	DE	19970
033.000	134-12.00-469.00	116	Woodland Ave.	Bennett, Mark & Adrienne	116	Mitchell Ave.	Ocean View	DE	19970
037.220	134-12.00-497.00	n/a	Briarcliffe Pool	Briarcliffe HOA	33370	Woodland Ave.	Ocean View	DE	19970
037.060	134-12.00-2278.00	12	Cedar Grove Ct.	Jackson, Glenda	12	Atlantic Ave.	Millville	DE	19967
037.050	134-12.00-2277.00	10	Cedar Grove Ct.	Lydic, Garrett & Lydia	10	Cedar Grove Ct.	Ocean View	DE	19970
037.040	134-12.00-2276.00	8	Cedar Grove Ct.	Lowenbach, Fred & Cheryl	16613	Cedar Grove Ct.	Ocean View	DE	19970
037.030	134-12.00-2275.00	6	Cedar Grove Ct.	Yergery, Patricia & Alfred	6	Cypress Bay Ln.	Silver Spring	MD	20905
037.020	134-12.00-2274.00	4	Cedar Grove Ct.	Taylor, Carol	4	Cedar Grove Ct.	Ocean View	DE	19970
037.010	134-12.00-2273.00	2	Cedar Grove Ct.	Dolezal, Barbara	2	Cedar Grove Ct.	Ocean View	DE	19970
032.090	134-12.00-468.10	0	Bella Via Way	TAC Beacon II, LLC	301	Cedar Grove Ct.	Ocean View	DE	19970
						N. Ashview Ln.	Wilmington	DE	19807

032.070	134-12.00-468.08	32619	Bella Via Way	Korndorff, Saleena	32619	Bella Via Way	Ocean View	DE	19970
032.080	134-12.00-468.09	32621	Bella Via Way	Hernandez, Jeremy	32621	Bella Via Way	Ocean View	DE	1970
032.110	134-12.00-468.11	0	Bella Via Way	TAC Beacon II, LLC	301	N. Ashview Ln.	Wilmington	DE	19807
033.101	134-12.00-468.15-UNIT#101	2	Smithfield Ct. - # 101	Marianelli, Angelo R. & Erica D.	636	E. Cypress St.	Kennett Square	PA	19348
033.102	134-12.00-468.15-UNIT#102	2	Smithfield Ct. - # 102	Woodruff, Deborah C & Kenneth D.	12016	Suffolk Terr.	Gaithersburg	MD	20878
033.103	134-12.00-468.15-UNIT#103	2	Smithfield Ct. - # 103	Garraty, Sarah J.	2	Smithfield Ct. #103	Ocean View	DE	19970
033.104	134-12.00-468.15-UNIT#104	2	Smithfield Ct. - # 104	Cangialosi, Vito & Sharon	9544 E.	Kramer Circle	Mesa	AZ	85207
033.105	134-12.00-468.15-UNIT#105	2	Smithfield Ct. - # 105	Miteva, Eliana & Ganev, Veselin	2	Smithfield Ct. #105	Ocean View	DE	19970
033.106	134-12.00-468.15-UNIT#106	2	Smithfield Ct. - # 106	Graff, Ronald A. & Vicki L.	25	Riva Ridge Ln.	Bear	DE	19701
033.107	134-12.00-468.15-UNIT#107	2	Smithfield Ct. - # 107	Reynolds-Wieland, Linda S.	2	Smithfield Ct. #107	Ocean View	DE	19970
033.108	134-12.00-468.15-UNIT#108	2	Smithfield Ct. - # 108	Palmieri, Ronald A & Cathy L.	2	Smithfield Ct. #108	Ocean View	DE	19970
033.109	134-12.00-468.15-UNIT#109	2	Smithfield Ct. - # 109	Cassidy, Kathleen & Kerby, Michael	2906	Gretna Pl.	Vienna	VA	22181
033.110	134-12.00-468.15-UNIT#110	2	Smithfield Ct. - # 110	Walsh, Barbara A.	1248	South Red Maple Way	Downingtown	PA	19335
033.111	134-12.00-468.15-UNIT#111	2	Smithfield Ct. - # 111	Scott, Kevin	9	Marielle Dr.	Royersford	PA	19468
033.200	134-12.00-468.00	1	Smithfield Ct.	Vogel, Anne M.	143	Willow Oak Ave.	Ocean View	DE	19970

The Charter. Charter of Ocean View

Article IV. Annexation

Section 4.102. Annexation of Property More Than Five (5) Acres.

The Town Council shall have the authority to annex any territory containing more than five (5) acres contiguous to the Town by complying with the procedure set forth in this Section in addition to the requirements for annexation in Title 22 of the Delaware Code

- A. Any property owner(s) holding record fee title to undeveloped or primarily developed real property in territory containing more than five (5) acres contiguous to the then existing corporate limits of the Town may petition the Town Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner; shall describe with reasonable certainty the territory proposed for annexation; indicate the property owned by each petitioner therein; and state the reasons for the requested annexation. The Town Council may, within one hundred eighty (180) days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said one hundred eighty (180) days shall be null and void. The description for the territory proposed for annexation shall include any street, road or way previously conveyed, transferred or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Ocean View.
- B. The Town Council shall introduce an ordinance proposing the annexation of such territory of more than five (5) acres contiguous to the Town. Such ordinance shall describe, with reasonable certainty, the territory proposed to be annexed, state the reasons for the proposed annexation, shall rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan, and shall contain such other provisions as shall be required by law.
- C. The Town Council prior to adopting an annexation ordinance shall require the Planning and Zoning Commission (the Commission) to prepare a report to the Town Council as soon as practicable but no later than two (2) months from the initial request. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to the Town of Ocean View and to the territory proposed to be annexed, and shall contain the recommendation of the Commission whether or not to proceed with the proposed annexation and the reasons therefore.
- D. In the event that the Commission concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Ocean View may then pass the ordinance annexing such territory to the Town of Ocean View. Such ordinance shall be adopted by the affirmative vote of all members elected to the Town Council.
- E. The annexation ordinance shall not become effective until thirty-one (31) days after adoption. After the thirty-one (31) day waiting period and, if not contested, a copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk, with the Town Seal affixed, together with a

plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware. The Failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

- F. If the ordinance shall fail to receive the affirmative vote of a majority of all members elected the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date that the ordinance failed to receive the required affirmative vote.
- G. If not less than thirty-three percent (33%) of the qualified voters of the Town of Ocean View disagree with the decision of the Town Council, they may sign a petition calling for an Annexation Referendum (Special Election). The Annexation Referendum Petition shall be filed with the Town Clerk not later than thirty (30) days following the adoption of the annexation ordinance by the Town Council. Within twenty (20) days the Commissioners shall fix the date of the Annexation Referendum (Special Election) which shall be not less than thirty (30) nor more than ninety (90) days thereafter.
- H. At the Annexation Referendum, every qualified voter shall have one (1) vote. Immediately upon the closing of the polling place, the Election Board shall count the ballots for and against the proposed annexation and shall announce the results thereof and shall certify the votes cast for and against the proposed annexation and the number of void votes, and shall deliver the same to the Town Council. Said Certificate shall be filed with the papers of the Town Council.
- I. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters voted against the annexation, no part of the territory proposed to be annexed shall again be considered for annexation for a period of at least one (1) year from the date of the Annexation Referendum (Special Election).
- J. If the Certificate of the Annexation Referendum (Special Election) shall declare that a majority of the voters voted for the annexation, annexation as provided therein shall become effective immediately after the certification to the Commissioners. Therefore, a copy of the annexation ordinance signed by the Mayor and certified by the Town Clerk, with the Town Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the adoption of the Ordinance of Annexation.

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING INTO THE TOWN LIMITS OF THE
TOWN OF OCEAN VIEW OF 27.852 ACRES, MORE OR LESS,
BEING THE LANDS OF DRB GROUP EASTERN SHORE, LLC**

BE IT ORDAINED and enacted by the Town Council of the Town of Ocean View:

WHEREAS, Article IV, Section 4.101, *et. seq.* of "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE" provides that the Town Council shall have the authority to annex any territory contiguous to this Town;

WHEREAS, the Town Council deemed it appropriate to consider the annexation of a tract of land containing 27.852 acres, more or less, situate in Sussex County, Delaware; and

WHEREAS, the Town Council referred the proposed annexation to Planning & Zoning Commission to investigate the advisability of such annexation of a tract of land containing 27.852 acres, more or less, situate in Sussex County, Delaware, being the lands of DRB GROUP EASTERN SHORE, LLC and said Committee have made their report to the Town Council within two (2) months from the date of referral and recommending such annexation.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF OCEAN VIEW, as follows:

Section 1. The territory containing 27.852 acres, more or less, as hereinafter described is annexed into the Town Limits of the Town of Ocean View. Said property is more particularly described in Exhibit "A", attached hereto and made a part hereof as if more particularly set out herein.

Together with any street, road or way previously conveyed, transferred, or delivered to the Public or to the State, County, or other Local Governmental authority having jurisdiction over the subject matter thereof for the public use as a road or as a public right-of-way corridor that is contiguous with or adjacent to the territory proposed for annexation and all streams, rivers, canals, or other waterways to the centerline thereof that are contiguous with or adjacent to the territory proposed for annexation; provided however, that any such territory that is included in the limits or boundary of an adjacent municipality shall not be annexed into the limits and the bounds of the Town of Ocean View.

Section 2. The territory annexed into the Town of Ocean View shall be rezoned and designated as an R-3 Townhouse and Multifamily District.

Section 3. The Petitioners request annexation to obtain full and better town services, to obtain local political guidelines and to include the properties into the organized town.

Section 4. This Ordinance shall be effective upon the occurrence of the following:

- (a) Its adoption by a majority of all members elected to the Council; and
- (b) More than thirty-one days shall have elapsed from date of its final passage without the filing of a petition calling for an annexation referendum.

Section 5. A copy of this Ordinance signed by the Mayor and certified by the Town Clerk, with the Town Seal affixed, together with a plot of the annexed area, shall be forthwith filed for recording in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

TOWN OF OCEAN VIEW

By: _____
Mayor

Attest: _____
Town Clerk

Introduced:

1st Reading:

2nd Reading:

Adopted:

Effective:

EXHIBIT "A"

Perimeter Legal Description of Proposed Annexation Area

DRB GROUP EASTERN SHORE, LLC

T.M. No.134-12.00-470.00

All that certain tract, piece and parcel of land lying and being situate and being situate in Baltimore Hundred, Sussex County, Delaware, more particularly described as follows, to wit:

BEGINNING at a point located along the southwesterly side of Woodland Avenue (50.00 feet Right-Of-Way), said point being a common corner of the herein described parcel and lands now or formerly of Anita I. Smawley, said point being further located northwesterly 508.70 feet from the northerly end of a 25.00 foot radius junction curve joining the said southwesterly side of Woodland Avenue with the northwest side of Balsa Street (50.00 feet Right-Of-Way), said point being the first mentioned POINT AND PLACE OF BEGINNING, THENCE,

Leaving said southwest side of Woodland Avenue and along the division line of the herein described parcel and said lands of Smawley, the following two (2) described courses and distances:

1. S 35°20'59" W a distance of 201.16 feet to a point, THENCE,
2. S 50°13'11" E a distance of 28.99 feet to a point, being a common corner of the herein described parcel, said lands of Smawley, and lands now or formerly of Jeannette West, THENCE,

along the division line of the herein described parcel and said lands of West the following two (2) described courses and distances:

1. S 53°54'48" W a distance of 186.89 feet to a point, THENCE,
2. S 34°23'54" E a distance of 238.53 feet to a point, being a common corner of the herein described parcel and lot 3 Quaint Acres subdivision (P.B. 11, P. 90), THENCE,

Along the division line of the herein described parcel and lots 3 through 16 of Quaint Acres, S 55°30'10" W a distance of 1427.99 feet to a point, being a common corner of the herein described parcel, lot 16 Quaint Acres, and SWM/ Open Space The Reserves Phase 2A (P.B. 70, P. 210), THENCE, along the division line of the herein described parcel and said lands of The Reserves the following five (5) described courses and distances:

1. N 06°58'12" W a distance of 283.93 feet to a point, THENCE,
2. N 07°02'13" W a distance of 343.61 feet to a point, THENCE,
3. N 06°11'08" E a distance of 387.42 feet to a point, THENCE,
4. N 18°57'44" E a distance of 449.75 feet to a point, THENCE,

5. N 37°33'44" E a distance of 188.96 feet to a point, being a common corner of the herein described parcel, said lands of The Reserves, and a common corner of lot 9 The Reserves Phase 2A, said point being located along a ditch, THENCE,

With said ditch and along the division line of the herein described parcel, said lands of lot 9 The Reserves, et al. the following two (2) described courses and distances:

1. S 55°30'57" E a distance of 214.00 feet to a point, THENCE,
2. S 39°17'57" E a distance of 306.00 feet to a point, being a common corner of the herein described parcel and lands now or formerly of Mark J. Bennett, Trustee, said point being located along Prong 3A Banks Bennett Tax Ditch, THENCE,

With said Prong 3A and along the division line of the herein described parcel and said lands of Bennett the following three (3) described courses and distances:

1. N 63°05'03" E a distance of 53.00 feet to a point, THENCE,
2. N 47°47'03" E a distance of 196.00 feet to a point, THENCE,
3. N 59°11'03" E a distance of 218.97 feet to a point, located along said southwest side of Woodland Avenue, THENCE,

With same, S 57°51'38" E a distance of 366.14 feet to a point, said point being the first mentioned POINT AND PLACE OF BEGINNING.

Containing within the said described metes and bounds 1,213,223.4 square feet (27.852 acres) of land be the same more or less and as more particularly shown on a Boundary Survey Plan prepared for Lands of Theodore F. Browning and Jeanette N. West, by Civil Engineering Associates, LLC, dated January 27, 2022.

Being the same lands conveyed unto DRB Group Eastern Shore, LLC, by deed of Theodore F. Browning and Jeannette West, a/k/a Jeanette N. West, dated March 10, 2022, and of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, at Deed Book 5660, at page 22, *et seq.*

