

Nicholas H. Rodriguez
Douglas B. Catts
William D. Fletcher, Jr.
Craig T. Eliassen
Crystal L. Carey*
Scott E. Chambers**
Walt F. Schmittinger
B. Brian Brittingham***
Gary E. Junge****
Dianna E. Stuart
Candace E. Holmes
*Also admitted in Maryland
**Also admitted in Maryland, D.C., and North Dakota
***Also admitted in New York
**** Also admitted in Pennsylvania

Law Offices
Schmittinger and Rodriguez, P.A.
414 South State Street
Post Office Box 497
Dover, Delaware 19901
Telephone (302) 674-0140
Fax (302) 674-1830

Harold Schmittinger
(1928 – 2008)
John J. Schmittinger
(1941 – 2011)

Rehoboth Beach Office
Wells Fargo Bank Building
18489 Coastal Hwy, 2nd Flr
Rehoboth Beach, DE 19971
Telephone (302) 227-1400
Fax (302) 645-1843

Middletown Office
651 N. Broad St., Suite 203
Middletown, DE 19709
Telephone (302) 378-1697
Fax (302) 378-1659

April 14, 2023

Mary Ellen Gray, Director of Planning, Inspections
and Community Development
City of Dover
P.O. Box 475
Dover, DE 19903

VIA EMAIL: mgray@dover.de.us

RE: Site Plan Approval - College Road Apartments

Dear Mary Ellen:

This Application was heard by the Planning Commission on March 20, 2023, and was postponed and placed on the Agenda for April 17, 2023, because of a question dealing with the dedication to public use of Raymond Street.

Raymond Street (a/k/a Jason Steet) is shown on a Plot of the College Settlement Company plotted and recorded in 1899.

As lots were annexed into the City from the plot of the College Settlement Company, it was indicated that not all of the corresponding street rights-of-way were annexed at the same time, and it was felt necessary to formally hold an annexation of the right-of-way of Raymond Street, Grove Street and Railroad Avenue. Therefore, the City filed for annexation, which was termed an Annexation Clarification Amending the Zoning Map of the City of Dover, by annexing portions of these three streets. This annexation was referred to the Dover Planning Commission and a Public Hearing was held on November 15, 2021. The Planning Commission held a Public Hearing on this Application and voted unanimously to recommend to Council that this annexation should be granted.

On December 13, 2021, Council passed Council Resolution 2021-26 and Ordinance No. 2021-23, both attached, annexing the right-of-way of these streets to the City of Dover.

The portion of Raymond Street at issue has been effectively annexed to the City of Dover as a public right-of-way.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nicholas H. Rodriguez", written in a cursive style.

NICHOLAS H. RODRIGUEZ

NHR:rp

Enclosures



MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2021-26

A RESOLUTION APPROVING THE INCLUSION OF AN AREA WITHIN THE LIMITS OF THE CITY OF DOVER.

WHEREAS, the Charter of the City of Dover authorizes Council to extend the boundaries of the said City in accordance with Title 22, Chapter 1, Section 101 of the Delaware Code (22 Del.C. § 101); and

WHEREAS, the Mayor and Council deem it to be in the best interest of the City of Dover to include an area contiguous to the present City limits, and hereinafter more particularly described, within the limits of the City of Dover; and

WHEREAS, the Mayor and Council, upon recommendation of the City Planner and Planning Commission, deem it to be in the best interest of the City of Dover to include these right-of-way areas within the limits of the City of Dover to reduce an enclave of the City boundary and to clarify portions of right-of-way that should have been annexed in the past with adjoining properties; and

WHEREAS, the Charter of the City of Dover provides that if an annexation is petitioned by all owners of all property considered for annexation, no election shall be required. For an annexation petition not requiring an election, such petition shall be processed in accordance with procedures established for amendments to the zoning map, specified in Dover Code, Appendix B - Zoning. All annexation petitions shall be processed concurrently with the rezoning of the property considered for annexation and shall be subject to public hearing before City Council. Public notice shall be completed in accordance with the provisions of the Dover Code relating to amendment of the zoning map.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

1. That the following described areas, situated in East Dover Hundred, Kent County, State of Delaware, along with all adjacent paths, sidewalks, roadways, and rights-of-way in their entirety, shall be annexed to and included within the limits of the City of Dover:

Raymond Street (Jason Street)

ALL that certain piece, parcel, and tract of land lying and being situate in the East Dover Hundred, Kent County, Delaware and being a portion of the right- of-way for Raymond Street (aka Jason Street), lying between easterly right-of-way of Mishoe Street and the easterly right-of-way of Railroad Avenue as recorded on the plan titled "Plot of Land Belonging to The College Settlement Company", dated 1899 and recorded on Plot Book A, Page 85, and now being more particularly bounded and described by Pennoni Associates Inc. as follows:

BEGINNING at a point on the southerly right-of-way of Raymond (Jason) Street (35' wide right-of-way) at its intersection with the easterly right-of-way of Railroad Avenue (35' wide right-of-way), said point also being at the northwesterly corner of Lot 168 of the aforesaid plan, thence crossing to the northerly right-of-way of Raymond (Jason) Street along the easterly right-of-way of Railroad Avenue and along the westerly terminus of Raymond (Jason) Street; North 34° 41' 03" West, 35.48' to a point on the northerly right-of-way of Raymond (Jason) Street, also being the southwesterly corner for Lot 202, thence along the northerly right-of-way of Raymond (Jason) Street and along Lot 202, crossing the southerly terminus of Grove Street (35' wide right-of-way), and Lots 189-196, inclusive, and an unplatted property; North 45° 55' 24" East, 799.19', more or less to a point, being at the intersection of the extension of the easterly right-of-way line of Mishoe Street (52' wide right-of-way), thence crossing to the aforesaid southerly right-of-way of Raymond (Jason) Street; South 45° 08' 14" East, 35.01' to a point on the southerly right-of-way of Raymond (Jason) Street, thence along the southerly right-of-way of Raymond (Jason) Street and crossing the northerly terminus of Mishoe Street and Lots 177-168, inclusive; South 45° 55' 24" West, 805.62', more or less, to the point and place of beginning, be the contents thereof what they may. Containing within this parcel 28,084 square feet or 0.6447 acres of land, more or less.

Railroad Avenue

ALL that certain piece, parcel, and tract of land lying and being situate in the East Dover Hundred, Kent County, Delaware and being a portion of the right- of-way for Railroad Avenue, lying between southerly right-of-way of Raymond Street (aka Jason Street) and the northerly boundary of the land recorded on the plan titled "Plot of Land Belonging to The College Settlement Company", dated 1899 and recorded on Plot Book A, Page 85, and now being more particularly bounded and described by Pennoni Associates Inc. as follows:

BEGINNING at a point on the easterly right-of-way of Railroad Avenue (35' wide right-of-way) at its intersection with the southerly right-of-way of Raymond (Jason) Street (35' wide right-of-way), said point also being at the northwesterly corner of Lot 168 of the aforesaid plan, thence along an extension of the southerly right-of-way of Raymond (Jason) Street and crossing to the westerly right-of-way of Railroad Avenue; South 45° 55' 24" West, 35.48' to a point on the westerly right-of-way of Railroad Avenue, said point along being on the easterly right-of-way of lands now or formerly of Delaware Railroad, thence along the westerly right-of-way of Railroad Avenue and the easterly right-of-way of lands now or formerly of Delaware Railroad); North 34° 41' 03" West, 1090.24, more or less to a point, thence crossing to the easterly right-of-way of Railroad Avenue; North 55° 19' 01" East, 35.00' to a point on the easterly right-of-way of Railroad Avenue, said point also being the northwesterly corner of Lot 215, thence along the easterly right-of-way of Railroad Avenue and Lot 215-202, inclusive, and crossing the westerly terminus of Raymond (Jason) Street; South 34° 41' 03" East, 1084.45', more or less, to the point and place of beginning, be the contents thereof what they may. Containing within this parcel 38,057 square feet or 0.8737 acres of land, more or less.

Grove Street

ALL that certain piece, parcel, and tract of land lying and being situate in the East Dover Hundred, Kent County, Delaware and being a portion of the right- of-way for Grove Street, lying between northerly right-of-way of Raymond Street (aka Jason Street) and a portion of Grove Street previously abandoned to adjoining lands, Grove Street as recorded on the plan titled "Plot of Land Belonging to The College Settlement Company", dated 1899 and recorded on Plot Book A, Page 85, and now being more particularly bounded and described by Pennoni Associates Inc. as follows:

BEGINNING at a point on the westerly right-of-way of Grove Street (35' wide right-of-way) at its intersection with the northerly right-of-way of Raymond (Jason) Street (35' wide right-of-way), said point also being at the southeasterly corner Lot 202, 203, and a part of 204; North 33° 48' 55" West, 201.00', to a point, thence crossing to the easterly right-of-way of Grove Street; North 45° 55' 24" East, 35.57' to a point on the easterly right-of-way of Grove Street, said point also being the northwesterly corner of Lot 189, thence along the easterly right-of-way of Grove Street and the westerly side of Lot 189; South 33° 48' 55" East, 200.00' to a point on the northerly right-of-way of Raymond (Jason) Street, thence crossing to the westerly right-of-way of Grove Street along the northerly right-of-way of Raymond (Jason) Street and along the southerly terminus of Grove Street; South 45° 55' 24" 35.57' area to the point and place of beginning, be the contents thereof what they may. Containing within this parcel 7,000 square feet or 0.1607 acres of land, more or less.

2. That the above described property shall be annexed into the City of Dover with a zoning classification as set by City Council and in accordance with the zoning map and environs then in force, effective upon such lands being included within the limits of the City of Dover.
3. That the certified copy of this resolution of annexation, together with a plot of the areas annexed, shall be filed for record with the Recorder of Deeds of Kent County.
4. That the effective date of this resolution shall be the 14th day of December, 2021 at 12:01 a.m.

ADOPTED: DECEMBER 13, 2021

S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2021\Draft\RESOLUTION NO 2021-26 - ANNEXATION - RAYMOND RAILROAD AND GROVE\Resolution No 2021-26 - Annexation - Raymond Railroad and Grove ADOPTED - FOR SIGNATURE.wpd



ROBIN R. CHRISTIANSEN
MAYOR



ROY SUDLER, JR.
COUNCIL PRESIDENT

Actions History

12/13/2021 - Introduction - City Council



ORDINANCE #2021-23

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING INCLUDING PROPERTY LOCATED AT RAYMOND STREET, RAILROAD AVENUE, AND GROVE STREET

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to add the property described below in the form of Improved and Unimproved Right-of-Way to the City of Dover Zoning Map; and

WHEREAS, it is deemed that the land in question is Right-of-Way and therefore does not require a zoning classification be assigned.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

- 1) That from and after the passage and approval of this ordinance the Zoning Map of the City of Dover have been amended by including Improved and Unimproved Right-of-Way on that property located at Raymond Street (aka Jason Street), Railroad Avenue, and Grove Street (Right-of-Way located northeast of the intersection of College Road and the Lands of Delmarva Railroad) consisting of 1.6791 acres^{+/-}.

(In the vicinity of Tax Parcels: ED-05-067.00-02-53.00-000 and ED-05-067.00-02-56.00-000; Planning Reference: AX-21-04; Council District: 4)

ADOPTED: DECEMBER 13, 2021

S:\ORDINANCES\2021\DRAFT\ORDINANCE #2021-23 - REZONING - RAYMOND STREET, RAILROAD AVENUE, AND GROVE STREET\ORDINANCE 2021-23 - RAYMOND RAILROAD AND GROVE-ADOPTED 12-13-2021.wpd

12/13/2021 - Public Hearing/Final Reading - City Council

10/11/2021 - First Reading - City Council