

**10476. RESOLUTION 11-50 - EASEMENT AGREEMENT WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION AND NEW CASTLE COUNTY**

WHEREAS, New Castle County (the "County") is the owner in fee simple of a piece of land along with the improvements erected thereon, located in New Castle County, Delaware, commonly known as the New Castle Airport and identified as Tax Parcel Number 10-018.00-006; and

WHEREAS, the Delaware River and Bay Authority (the "Authority") leased this land from the County in 1995 for a thirty (30) year term with two thirty (30) year renewal options; and

WHEREAS, the Delaware Department of Transportation ("DELDOT") requires an increased right-of-way along a portion of Old Churchman's Road and a portion of New Churchman's Road for the establishment and maintenance of a new connector road between the two roads in connection with the Authority's proposed development of a thirty-eight acre parcel of land on the southeasterly side of Old Churchman's Road; and

WHEREAS, DELDOT has determined that a permanent easement on, over, across and through a portion of the County's land is necessary for the purpose of increasing the existing right-of-way along a portion of Old Churchman's Road and a portion of New Churchman's Road and the construction of a new connector road; and

WHEREAS, the County has agreed to grant a permanent easement to DELDOT for the purpose of the required road improvements; and

WHEREAS, the Authority desires to enter into an easement agreement with the County and DELDOT to formalize the parties rights and obligations with respect to easements along Old Churchman's road and New Churchman's Road; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Permanent Easement Agreement with New Castle County and the Delaware Department of Transportation relating to the New Castle Airport, and with the advice and consent of counsel, to have such easement executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution 11-50 was made by Commissioner Green, seconded by Commissioner Smith, and approved by a roll call vote of 10-0.

## **Resolution 11-50 Executive Summary**

**Resolution:** Authorizes the execution of a permanent easement at the New Castle Airport to the Delaware Department of Transportation

**Committee:** Economic Development

**Board Date:** December 20, 2011

### **Purpose of Resolution:**

Authorizes the Executive Director, Chairperson and Vice Chairperson to execute and deliver an easement to DelDOT for right-of-way along Old Churchman's and New Churchman's Road. The easement is required for the proposed future development of a parcel of land commonly referred to as the Thirty-Eight Acre parcel. As the fee simple owner of the land, the County has reviewed the agreement and has approved the easement agreement.