

Introduced by: Mr. Powers,  
Mr. Sheldon  
Date of introduction: August 21, 2012

**RESOLUTION NO. 12-122**

**AUTHORIZING THE COUNTY EXECUTIVE  
TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE EASEMENTS  
ON PROPERTIES LOCATED AT  
80 GERMAY DRIVE, TAX PARCEL NO. 07-043.20-043,  
82 GERMAY DRIVE, TAX PARCEL NO. 07-043.40-050 AND  
84 GERMAY DRIVE, TAX PARCEL NO. 07-043.40-051**

**WHEREAS**, in accordance with Title 10, Chapter 61 of the *Delaware Code Annotated*, the County Executive is empowered to institute condemnation proceedings in the name of New Castle County (“County”); and

**WHEREAS**, pursuant to 9 *Del. C.* § 1525, the County is authorized to exercise the right of eminent domain to widen, straighten or alter the course of any small run or creek in the County; and

**WHEREAS**, pursuant to Chapter 2, Section 2.01.004 of the *New Castle County Code*, the County Executive is empowered to institute condemnation proceedings after County Council approves such proceedings by resolution; and

**WHEREAS**, New Castle County requires easements across the properties described herein in order to proceed with the Little Mill Creek Flood Control Project (“Properties”); and

**WHEREAS**, the Little Mill Flood Control Project is a joint effort between the United States Army Corps of Engineers, the Delaware Department of Natural Resources and Environmental Control, the New Castle Conservation District and the County to improve the stream bank and water channel along Little Mill Creek in order to abate a flooding problem; and

**WHEREAS**, the County Executive wishes to initiate this condemnation action due to the fact that the owner of the Properties which are the subject of this resolution refuses to grant the County the easements required and the Little Mill Flood Control Project could lose federal funding if the easements are not immediately obtained.

**NOW, THEREFORE, BE IT RESOLVED** by and for the Council of New Castle County that the County Council hereby authorizes the County Executive to institute condemnation proceedings against the following properties in order to obtain a permanent drainage easement and temporary construction easements thereon:

**County Tax Parcel Number:** 07-043.20-043. The permanent drainage easement consists of approximately two thousand six hundred fifty-seven (2,657) square feet and the temporary construction easement consists of approximately four thousand six hundred seventy-two (4,672)

square feet. The owner of record is Mr. Donald L. Pellicone. The subject property is an unimproved industrial site located at 80 Germay Drive, Wilmington.

**County Tax Parcel Number:** 07-043.40-050. The temporary construction easement consists of approximately six thousand four hundred forty-six (6,446) square feet. The owner of record is Mr. Donald L. Pellicone. The subject property is an unimproved industrial site located at 82 Germay Drive, Wilmington.

**County Tax Parcel Number:** 07-043.40-051. The temporary construction easement consists of approximately three thousand one hundred fourteen (3,114) square feet. The owner of record is Mr. Donald L. Pellicone. The subject property is an unimproved industrial site located at 84 Germay Drive, Wilmington.

Adopted by County Council of  
New Castle County on:

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President of County Council  
of New Castle County

**SYNOPSIS:** This resolution allows the County Executive to initiate condemnation proceedings to obtain easements on the above referenced tax parcels after County Council's approval.

**FISCAL NOTE:** This resolution, if adopted, would authorize the County Executive to initiate condemnation proceedings against Tax Parcel No. 07-043.20-043, Tax Parcel No. 07-043.40-050 and Tax Parcel No. 07-043.40-051 for drainage easements. In addition to court fees associated with this condemnation, the consideration to be paid by the County will be approximately the value of appraisals, seven thousand two hundred twenty-nine dollars and twelve cents (\$7,229.12) for Parcel No. 07-043.20-043; four thousand one hundred forty-two dollars (\$4,142.00) for Parcel No. 07-043.40-050 and one thousand nine hundred forty-nine dollars (\$1,949.00) for Parcel No. 07-043.40-051 for a total amount of thirteen thousand three hundred twenty dollars and twelve cents (\$13,320.12) .