

Wilmington, Delaware
June 3, 2021

#0072

Sponsor:
Council
Member
Oliver

WHEREAS, pursuant to Wilmington Charter Section 8-205, the City may sell or exchange any real estate belonging to the City or grant any license, easement, right-of-way, or other interest over or in such real estate with authority by general ordinance and later resolution from Council to do so; and

WHEREAS, City Code Section 2-626 provides that the Department of Public Works shall have the authority to grant licenses, easements, and/or rights-of-way as shall be necessary for the construction, installation, maintenance, repair, operation, and inspection of utilities, subject to the approval of City Council by resolution; and

WHEREAS, the City desires to provide Delmarva Power & Light Company (“Delmarva”) with a certain utility easement over and across that certain portion of City-owned land known as Brandywine Zoo, having an address of 1001 N. Park Drive, Wilmington, DE 19802 (being Tax Parcel No. 26-013.40-075), in connection with Delmarva’s installation, operation, maintenance, and/or removal of a pad-mounted transformer to serve the Brandywine Zoo’s future quarantine facility.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that the Council hereby authorizes and approves the granting of a certain utility easement over and across that certain portion of land known as the Brandywine Zoo, having an address of 1001 N. Park Drive, Wilmington, DE 19802 (being Tax Parcel No. 26-013.40-075), in accordance with the “Utility Easement Agreement” between the City of Wilmington and Delmarva Power & Light Company, a copy of which, in substantial form, is attached hereto as Exhibit “A” and incorporated herein.

BE IT FURTHER RESOLVED that the Council authorizes the Department of Public Works to execute any and all documents necessary to effectuate the granting of such utility easement in connection with Delmarva Power & Light Company's installation, operation, maintenance, and/or removal of a pad-mounted transformer to serve the Brandywine Zoo's future quarantine facility.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution authorizes the Department of Public Works to grant Delmarva Power & Light Company a certain utility easement in connection with Delmarva's installation, operation, maintenance, and/or removal of a pad-mounted transformer to serve the Brandywine Zoo's future quarantine facility.

W0114418

EXHIBIT A

Tax Parcel No. 26-013.40-075

Prepared By Delmarva Power
PO Box 9239
401 Eagle Run Road
Newark DE 19714-9239

UTILITY EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made this _____ day of _____, 20____, between City of Wilmington ("Grantor") and DELMARVA POWER, a corporation of the State of Delaware and the Commonwealth of Virginia ("Delmarva"),

WITNESSETH:

WHEREAS, Grantor is the owner of land located in the State of Delaware, the County of New Castle, which land abuts on 1001 North Park Dr.

For and in consideration of the payment by Delmarva of the sum of one dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Delmarva a perpetual easement and right of way and agrees as follows:

1. Delmarva shall have the right to install, operate, maintain and/or remove it's Electric Facilities as shown on Plan titled "Print #16610938", hereto attached and made a part hereof.
2. The facilities installed pursuant to this agreement shall remain the property of Delmarva and all maintenance, repairs and removals of said facilities shall be the responsibility of Delmarva.
3. Delmarva shall have the right to trim, remove, and/or otherwise maintain all trees and underbrush located 15 feet on each side of the centerline of Delmarva's facilities.
4. Delmarva shall have the rights of ingress, egress and regress to and over Grantor's land as necessary for the enjoyment of the rights granted herein.
5. Grantor agrees not to place any improvements, including trees or other foliage, within 10 feet of the opening side of any enclosed equipment installed under the terms of this Agreement and shall not construct any structures or improvements over or under the utility facilities permitted by this Agreement.
6. Grantor shall have the right to use the land covered by this Agreement for any lawful purpose not inconsistent with or in contravention of the rights of Delmarva.
7. Grantor covenants that it is seized of and has the right to convey the foregoing easement, rights and privileges; agrees that Delmarva shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges.
8. Grantor hereby certifies that the actual monetary consideration paid for this Agreement is \$1.00.
9. Grantor agrees that this Utility Easement Agreement shall be binding upon and inure to the benefit of Grantor and Delmarva and their respective heirs, personal representatives, administrators, successors and assigns.

10. Delmarva's utility facilities installed hereunder may, without further consideration, be relocated to conform to new or reestablished highway limits.

As agent on behalf of Delmarva, I certify that this document was prepared by Delmarva.

Ken W. Miller

Name: Ken W. Miller

Title: Sr. Field Engineering Technician

WITNESS our hands and seals the day and year aforesaid.

WITNESS:

CORPORATE GRANTOR:

By: _____

(SEAL)

Print Name

Print Name

Title

Title)

AREA INTENTIONALLY LEFT BLANK

STATE OF COMMONWEALTH OF

)

COUNTY OF

) SS

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BE IT REMEMBERED, That on the _____ day of _____, _____, personally came before me, a notary public, the within named Grantor, _____ party(ies) to this indenture and known to me personally to be such, and acknowledged said Agreement to be his/her act of said individual(s) or the act and deed of the corporation or partnership for which he/she signed.

My commission expires: _____

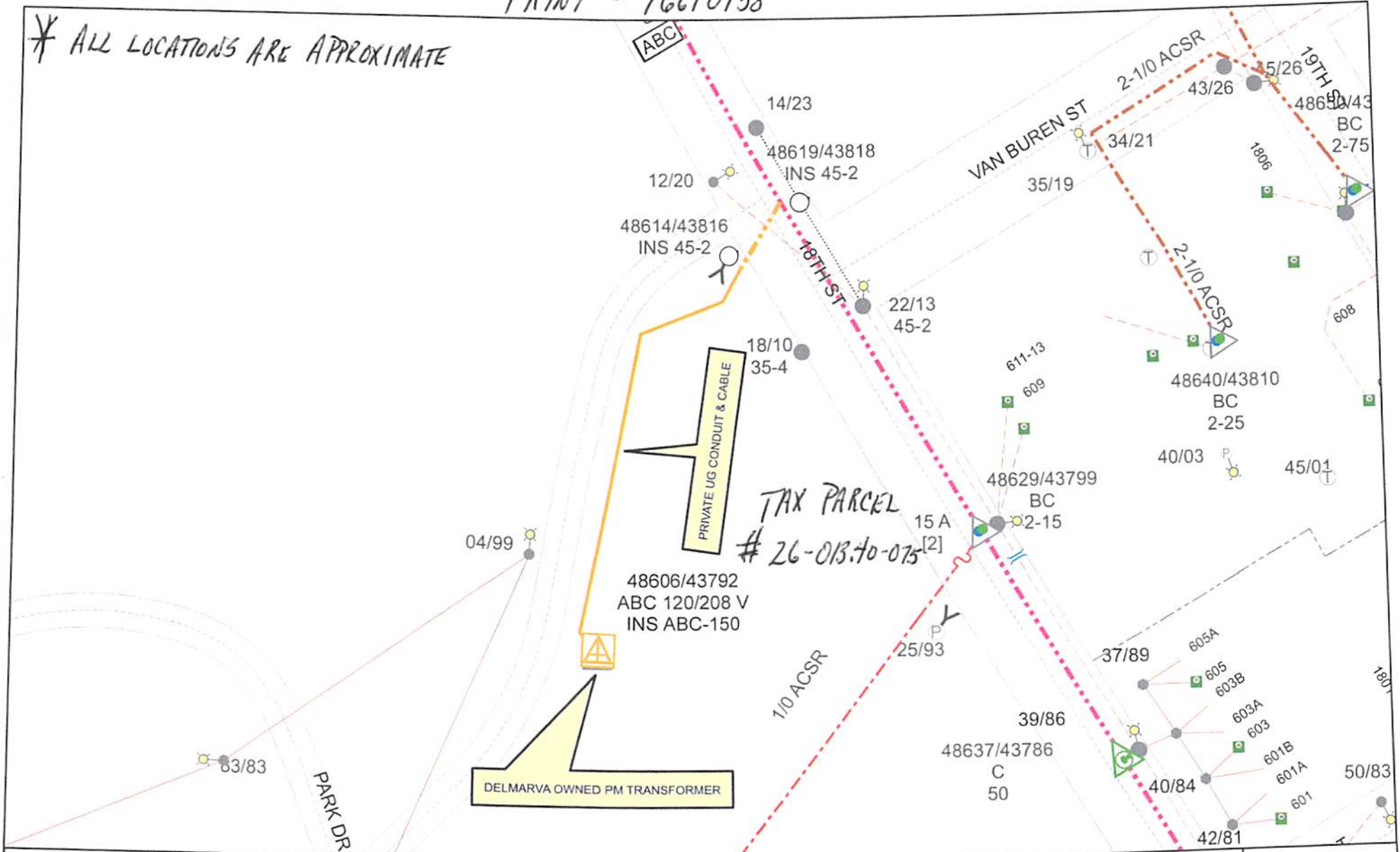
Notary Public



Seal/Stamp Here

Notary

Print Name: _____

* ALL LOCATIONS ARE APPROXIMATE



CustPh#:	Customer: CITY OF WILM / BRANDYWINE ZOO	Proj. ID:	  WO # 16610938 Date: 5/17/2021
DesgnrPh# 302 463-0967	Address: 1001-N-PARK- DR	Reference WO:	
DsgnrName: Miller, Ken W.	City: WILMINGTON	State: DE	
CktName:	Description: EASEMENT PRINT		
Ckt#: DE0724	Class of Service:		
Protective Device Type:	Jurisdiction:	Tree:	WSSC:
Protective Device ID:	OH Permits:		UG Permits:
Permits:	Easement:		FR Calorie Count: 5 CALS