

**RESOLUTION NO. 25-14 - AUTHORIZING A STORMWATER DRAINAGE EASEMENT AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND GIBBS COMPANY, INC.**

WHEREAS, the Delaware River and Bay Authority (the “Authority”), is the fee simple owner of a parcel of land located in Sussex County in the State of Delaware being known as Tax Parcel No. 335-9.00-302.00 and referred to as the Theodore C. Freeman Highway Right-of-Way (the “Freeman Highway ROW”); and

WHEREAS, Gibbs Company, Inc. (“Gibbs Company”) is the owner of a certain parcel of property located along the Freeman Highway ROW consisting of approximately 2.89± acres at the corner lot northwest of the intersection at Monroe Avenue and the Freeman Highway ROW being known as 209 Monroe Avenue, Lewes, DE 19958 and being generally identified as Tax Parcel Number 335-8.12-80.00 (the “Gibbs Company’s Property”); and

WHEREAS, the Authority’s Freeman Highway ROW has a drainage swale (the “Drainage Swale”) that runs parallel between the roadbed of Freeman Highway and the side of the Gibbs Company’s Property that is contiguous with the Freeman Highway ROW; and

WHEREAS, the Authority previously constructed a stormwater management system that collects and discharges stormwater which is generated by and discharged from the Freeman Highway ROW into the Drainage Swale (the “Authority’s Existing System”); and

WHEREAS, pursuant to an informal agreement between the Authority and Gibbs Company, Gibbs Company has previously utilized an underground 15” pipe (the “Existing Pipe”) from the Gibbs Company’s Property to the Drainage Swale for a portion of the stormwater run-off from the Gibbs Company’s Property; and

WHEREAS, the Existing Pipe runs underground, including under the Freeman Highway Trail, which is located on the Freeman Highway ROW; and

WHEREAS, Gibbs Company intends to develop the Gibbs Company’s Property, a portion of which will minimally increase the stormwater drainage that currently flows through the Existing Pipe into the Drainage Swale; and

WHEREAS, additional improvements to the stormwater management infrastructure on the Gibbs Company’s Property will be required in connection with the improvements on the Gibbs Company’s Property, but no changes to the Existing Pipe are contemplated; and

WHEREAS, Gibbs Company is desirous of obtaining a non-exclusive stormwater drainage easement, permitting stormwater discharge not materially more than the stormwater discharge that currently flows from a portion of Gibbs Company’s Property through the Existing Pipe into the Drainage Swale located in the Freeman Highway ROW.

NOW THEREFORE BE IT RESOLVED that the Executive Director is hereby

authorized, with the advice and consent of counsel, to finalize the terms and conditions of a Stormwater Drainage Easement Agreement with Gibbs Company and, with the advice and consent of counsel, to have such Stormwater Drainage Easement Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

## **Resolution 25-14 Executive Summary Sheet**

**Resolution:** Authorizing the execution of a Stormwater Drainage Easement Agreement at the Theodore C. Freeman Highway Right-of-Way (the “Freeman Highway ROW”) with Gibbs Company, Inc. (“Gibbs Company”).

**Committee:** Economic Development

**Committee/**

**Commission Date:** March 18, 2025

**Purpose of Resolution:** To authorize the Executive Director, Chairperson and Vice Chairperson to execute and deliver a Stormwater Drainage Easement Agreement.

**Background for Resolution:** Gibbs Company intends to develop its property adjacent to the Freeman Highway ROW, a portion of which will increase stormwater drainage through the Authority’s pipe and drainage swale on the Freeman Highway ROW that Gibbs Company has previously utilized. Gibbs Company has represented that the increase to stormwater runoff from the improvements on its property will only cause minimal increases to the stormwater runoff that currently flows through the existing pipe. Gibbs Company would like to obtain a non-exclusive stormwater drainage easement on the Freeman Highway ROW, permitting stormwater discharge not materially more than current discharge from its property to the Freeman Highway ROW.