

**Resolution 2021-28**

**A Resolution to Amend Restrictive Covenants  
at Riverbend at Old New Castle**

**WHEREAS**, a Declaration of Restrictions (the “Declaration”) was recorded on July 27, 2006 in the Office of the Recorder of Deeds in and for New Castle County (the “Recorder’s Office) at Instrument No. 20060727-0071558 against that certain property (the “Property”) as more particularly shown and described on that certain Record Plan for Riverbend at Old New Castle of record in the Recorder’s Office at Instrument No. 20071029-0093852 (the “Record Plan”); and

**WHEREAS**, Freedom Development, LLC (“Freedom”) acquired a portion of the Property on March 26, 2021 pursuant to that certain Special Warranty Deed of record in the Recorder’s Office at Instrument No. 20210608-007247; and

**WHEREAS**, amongst the restrictive covenants contained in the Declaration and the Record Plan is the requirement that “The exterior walls front, side and rear) of all residences constructed in the Development shall be constructed of natural materials (i.e., stone, brick, stucco, wood, etc.)” The Record Plan, additionally, states “proposed buildings are to be constructed [sic] of wood, stone, brick, and stucco, no vinyl siding is to be used on the exteriors of any unit.” The foregoing restrictive covenants shall hereinafter be referred to as the “Siding Restriction”.

**WHEREAS**, Freedom has requested that the City amend the Siding Restriction to permit the use of certain vinyl siding as has been shown and provided to the Council by Freedom; and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of New Castle hereby confirms its consent to amend the Siding Restriction to permit the use and installation of those certain types and grades of vinyl siding consistent with the samples and specifications provided to the Council during its public hearing of November 11, 2021 on residential units constructed on the Property. The foregoing consent is subject to Freedom constructing all residential units on the Property consistent with the renderings and specifications provided to Council. Copies of all specification and renderings provided to Council at the hearing are attached hereto as Exhibit “A”.

**PASSED** this 9th day of November, 2021.

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Michael M. Platt, City Council President

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Joseph F. Day, III, Councilperson

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Valarie W. Leary, Councilperson

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Russell P. Smith, Councilperson

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Suzanne M. Souder, Councilperson

Attest:

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Kathleen M. Walls, City Clerk