

RESOLUTION NO. 2026-18

A Resolution Approving The First Amended and Restated Cross Access and Maintenance Easement Agreement Benefiting The Battery Site Plan

WHEREAS, on July 16, 2024 City Council approved a Cross Access and Maintenance Agreement with JAKSN, LLC concerning access to and from a New Castle County pump station adjacent to the pending The Battery development project; and

WHEREAS, this approved Cross Access and Maintenance Easement Agreement was recorded in the Office of the Recorder of Deeds in and for the State of Delaware, New Castle County, on July 16, 2024 at Instrument Number 20240716-0045893; and

WHEREAS, subsequent to recording the approved Cross Access and Maintenance Easement Agreement, the parties determined that a blanket easement over the City-owned property (instead of a more specific easement), to be assigned to New Castle County, was appropriate; and

WHEREAS, the parties to the Cross Access and Maintenance Easement Agreement desire to amend the easement and record the First Amended and Restated Cross Access and Maintenance Easement Agreement, as shown in the attached Exhibit “A”, and City Council desires to approve the same.

NOW, THEREFORE BE IT RESOLVED that City Council does hereby approve the First Amended and Restated Cross Access and Maintenance Easement Agreement, said document being attached here as “Exhibit A,” and City Council further instructs city staff to take such action necessary to finalize, execute, and record said Agreement.

BE IT FURTHER RESOLVED that said approval is conditioned upon New Castle County also approving said First Amended and Restated Cross Access and Maintenance Easement Agreement.

PASSED this ____ day of ____ 2026

VOTE: _____

Suzanne Souder, City Council President

Nermin Zubaca, Councilperson

Joseph F. Day, III, Councilperson

Brian Mattaway, Councilperson

Andrew H. Zeltt, Councilperson

Attest:

Courtaney Taylor, City Clerk