

Wilmington, Delaware
October 15, 2020

#4872

Sponsor:

**Council
Member
Johnson**

WHEREAS, in 1972, the owners of the property situated in the block bounded by 7th Street, 8th Street, North DuPont Street, and North Clayton Street, Wilmington, Delaware (the “Property”), namely, St. Francis Hospital, Inc., William Schultz, Nancy Schultz, Dominick Valava, and Tessi Valava (collectively, the “Owners”) petitioned the City to change the zoning of the Property from a zoning classification of R-3 to a zoning classification of C-2; and

WHEREAS, the City Planning Commission recommended approval of the request to rezone the Property as follows: “That the application be approved conditional on a Deed Restriction submitted by the applicants prior to the City Council hearing. Said Deed Restriction to clearly state that this land is to be used for hospital purposes only;” and

WHEREAS, on August 18, 1972, the Owners entered into a declaration regarding the Property that was recorded with the New Castle County Recorder of Deeds at Volume G, Book 87, Page 757, a copy of which is attached hereto as Exhibit “A”, that contains the following deed restriction (the “Deed Restriction”): “1. The use of the above mentioned property is restricted to its present use and use as a Hospital and accessory buildings. 2. This restriction shall not become effective until the requested rezoning has been approved by the City Council of the City of Wilmington. 3. This restriction may be amended or removed with the approval of the City Council of the City of Wilmington.”; and

WHEREAS, Ordinance No. 72-074 rezoned the Property from a zoning classification of R-3 to a zoning classification of C-2, thus making the Deed Restriction effective; and

WHEREAS, the Property has since been rezoned to its original R-3 zoning

classification; and

WHEREAS, the current owner of the Property wishes to terminate the Deed Restriction; and

WHEREAS, the Council deems it necessary and appropriate to approve the termination of the Deed Restriction.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON that Council hereby approves the termination of the deed restriction within the declaration recorded with the New Castle County Recorder of Deeds at Volume G, Book 87, Page 757, a copy of which is attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that the President of City Council, or her designee, shall be authorized to execute any documents related to the termination of the aforementioned deed restriction, as well as to take all additional undertaking related thereto, as may be necessary.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution approves the termination of the deed restriction within the declaration recorded with the New Castle County Recorder of Deeds at Volume G, Book 87, Page 757.

W0112244

EXHIBIT A

02503

THIS DECLARATION, made this 18th day of August, A. D. 1972,
Between ST. FRANCIS HOSPITAL, INC., a corporation of the State
of Delaware, William L. Schultz and Nancy B. Schultz, his wife, and
Dominick Vavala and Tessi Vavala, his wife, hereinafter called the
"Declarants";

WHEREAS, the parties to this Declaration are the owners of the
property situate in the block bounded by 7th Street, 8th Street,
North DuPont Street and North Clayton Street; and the block bounded
by 6th Street, 7th Street, North DuPont Street and North Clayton
Street, in the City of Wilmington, New Castle County and State of
Delaware. The property is known as St. Francis Hospital, St.
Francis Nurses Home and Nos. 601, 603, 605, 607, 609 and 611 North
Clayton Street, Wilmington, Delaware, and

WHEREAS, the Declarants have petitioned The City Planning
Commission and City Council of the City of Wilmington for a change
in Zoning from R-3 to C-2, and

WHEREAS, The City Planning Commission by report dated July 20,
1972, recommended the requested change as follows:

"That the application be approved conditional on a
Deed Restriction submitted by the applicant's prior
to the City Council hearing. Said Deed Restriction
to clearly state that this land is to be used for
hospital purposes only."

and

WHEREAS, the Declarants wish to make known and declare the
restriction which shall be applicable to and bind the said lands,

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That St. Francis Hospital, Inc., a corporation as aforesaid,
William L. Schultz and Nancy B. Schultz, his wife, and Dominick
Vavala and Tessi Vavala, his wife, do hereby covenant and declare
that they shall hold and stand seized of the said lands, under and
subject, nevertheless, to the following restrictions, which it is
hereby agreed shall be binding upon said owners, their heirs,
successors and assigns.

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1. The use of the above mentioned property is restricted to its present use and use as a Hospital and accessory buildings.

2. This restriction shall not become effective until the requested rezoning has been approved by the City Council of the City of Wilmington.

3. This restriction may be amended or removed with the approval of the City Council of the City of Wilmington.

IN WITNESS WHEREOF the parties hereto have executed this Declaration the day and year first above written.

Sealed and delivered in the presence of:

Five lines of handwritten signatures, all appearing to be "John J. Hyde".

ST. FRANCIS HOSPITAL, INC.

BY: [Signature]

ATTEST: [Signature]

[Signature]
William L. Schultz

[Signature] (SEAL)
Nancy L. Schultz

[Signature] (SEAL)
Dominick Javala

[Signature] (SEAL)
Jessie Cavalera

STATE OF DELAWARE)
) ss.
NEW CASTLE COUNTY)

BE IT REMEMBERED, That on this 18th day of August, A. D. 1977, personally came before me, the subscriber, a Notary Public for the State of Delaware, Sister William Mary Lananhan, President of St. Francis Hospital, Inc., a corporation of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed and the act and deed of said corporation, that the signature of the President thereto is in her own proper handwriting, and the seal affixed is the common and corporate seal of said corporation, and that her act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

[Signature]
NOTARY PUBLIC
STATE OF DELAWARE

