

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - DELAWARE

Town of Cheswold v. Central Delaware Business Park

Supreme Court of Delaware - June 8, 2018 - A.3d - 2018 WL 2748372

Town brought declaratory judgment action, seeking clarification of whether prior stipulated orders in litigation between landowner and town prohibited town from rezoning property.

The Superior Court entered judgment in favor of landowner. Town appealed.

The Supreme Court of Delaware held that:

- Action was ripe for review;
- Stipulated orders did not incorporate by reference the substance of proposed zoning amendment; and
- Stipulated orders were not ambiguous and thus extrinsic evidence could not be used to interpret them.

Stipulated orders entered by court, in litigation between town and landowner in which landowner sought to compel town to adopt proposed zoning amendment which recognized certain vested property development rights, did not incorporate by reference the substance of such amendment, supporting finding that town could adopt new ordinance affecting landowner's vested development rights; stipulated orders referred to amendment only as part of town's obligation to republish ordinance with amendment.