COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
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Sussex County
DELAWARE
sussexcountyde.gov
(302) 855-7743 T
(302) 855-7749 F

SUSSEX COUNTY COUNCIL

A G E N D A

OCTOBER 20, 2020

10:00 A.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – October 6, 2020

Reading of Correspondence

Public Comments

Peggy Geisler, Sussex County Health Coalition – Presentation – Delaware Goes Purple Awareness Campaign

Todd Lawson, County Administrator

1. **Presentation and discussion related to the number of permitted animals and farm size in County Code**

2. **Presentation and discussion related to cluster subdivisions**

3. **Administrator's Report**

Gina Jennings, Finance Director

1. **Human Service Grants**

Jamie Whitehouse, Planning and Zoning Director

1. **Request to withdraw Conditional Use No. 2231 filed on behalf of Solid Walls, LLC**

Hans Medlarz, County Engineer

1. **Public Safety Building**

   A. **Standalone Purchase Order for specialty design services**

John Ashman, Utility Planning Director

1. **Request to prepare and post notices for the Briarwood Estates Expansion of the Sussex County Unified Sanitary Sewer District**

2. **Request to prepare and post notices for the Collins Avenue Expansion of the Sussex County Unified Sanitary Sewer District**

Grant Requests

1. **City of Seaford for the Nanticoke Riverfest**

2. **Seaford Tomorrow, Inc. for Friday Night Live events**

3. **Laurel Senior Center for congregate meals**

4. **Meals on Wheels of Rehoboth and Lewes, Inc. for meal program**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

1:30 p.m. Public Hearings

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA.

"AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-16.00-23.00 (PORTION OF)"

Change of Zone No. 1913 filed on behalf of FW & SV Thoroughgood Family Limited Partnership
"AN ORDINANCE TO AMEND TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.60 ACRES, MORE OR LESS" (lying on the west side of Thorogoods Road) (Tax I.D. No. 233-5.00-70.00) (911 Address: 30512 and 30540 Thorogoods Road, Dagsboro)

Change of Zone No. 1919 filed on behalf of Newton Farms, LLC
"AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 23.7021 ACRES, MORE OR LESS" (property lying on the south side of E. Newton Road, approximately 791 feet west of Sussex Highway (Route 13) (Tax I.D. No. 131-6.00-8.00) (911 Address: None Available)

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 13, 2020 at 4:25 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

The meeting will streamed live at **https://sussexcountyde.gov/council-chamber-broadcast**.

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. Note, the on-line stream experiences a 30-second delay. Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036
Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the "packet", are electronically accessible on the County's website at: **https://sussexcountyde.gov/agendas-minutes/county-council**.

If any member of the public would like to submit comments electronically, please feel free to send them to **rgriffith@sussexcountyde.gov**. All comments shall be submitted by 4:30 P.M. on Monday, October 19, 2020.

# # # #

Introduced 8/11/20

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-16.00-23.00 (PORTION OF)

WHEREAS, on March 19th, 2019, the Sussex County Council adopted Ordinance #2637, which in turn adopted the Comprehensive Plan (the "Plan") subject to the certification of the Governor of the State of Delaware; and

WHEREAS, on February 18th 2020, the Sussex County Council considered an application for a change of zone from CR-1 Commercial Residential District to a HI-1 Heavy Industrial District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 15 acres, more or less (A portion of Tax Parcel No. 135-16.00-23.00) (the "Property"); and

WHEREAS, the Property is designated as being within the Commercial Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and the Commercial Area does not permit such HI-1 Zoning; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 1-35-16.00-23.00 from the Commercial Area to the Industrial Area. The portion of Sussex County Parcel. No. 1-35-16.00-23.00 so changed is identified in Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the Governor of the State of Delaware.

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

September 24, 2020

Mr. Jamie Whitehouse
Director – Planning and Zoning
Sussex County Administrative Offices
P.O. Box 589
Georgetown, DE 19947

RE: PLUS review 2020-08-07; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on August 26, 2020 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This amendment proposes to change the Future Land Use designation of parcel number 135-16.00-23.00 (Portion of) from Commercial to Heavy Industrial. This parcel is currently designated commercial on the Future Land Use map; however, the owner is seeking to change the back portion along the railroad to Industrial.

Please note that changes to the plan could result in additional comments from the State.

Office of State Planning Coordination – Contact Dorothy Morris 739-3090

This parcel is within a Level 4 area according to the 2020 Strategies for State Policies and Spending. In Investment Level 4 Areas, the State's investments and policies should retain the rural landscape, preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

With that said, we understand that Investment Level 4 Areas may be the location for certain uses that because of their specific requirements are not appropriate for location elsewhere. Such uses, expected to be limited in number, could involve public safety or other uses that require their location outside designated investment areas. Industrial activity would be limited, except where specific requirements of major employers may dictate an exception for a use, which, because of specific siting and potential conflicts with neighboring uses, should not be placed elsewhere.

It is difficult to address this comp plan amendment without knowing the intended use of the property. The office of State Planning supports Agricultural Industrial areas that will support our farms and help bring agricultural goods to markets and distributors. We realize; however, that if this comprehensive plan amendment is approved and the parcel rezoned, the owner could submit a site plan for any of the many uses allowed in the HI zone, which includes professional offices, restaurants, banks, etc.

The state will support this comprehensive plan amendment in hopes that its location along the railroad will bring about additional agricultural industrial land that can use the rail system for the distribution of goods. If this amendment is approved, the owner/developer would, depending on square footage of the development, need to submit a site plan through PLUS for review. The Strategies for State Policies and Spending Level 4 designation will remain on the site and if, at the site plan stage, the use is not compatible with the agricultural industry or if the use is better suited to be closer to a municipality, it is possible we would not support the development of this property as presented.

The State encourages the County to consider the possibility of an Agricultural Zoning District to allow this type of development that can meet the needs of the Ag industry.

State Agency Comments:

Site plan comments presented by State agencies below are general site comments and refer to any future site plan for this parcel. Should the county approve the comprehensive plan amendment and the proposed rezoning of the site, any future site plan which meets the PLUS thresholds will be required to go through the PLUS process.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT reminds the County that while DelDOT is pursuing a rail-with-trail approach for this portion of the Georgetown to Lewes Pathway, an alignment and right-of-way still need to be determined for the path in this area. There are wetlands on both sides of the tracks in this area and DelDOT has not begun the planning and engineering needed to determine the best route for the path. If the County finds industrial development appropriate for this site, DelDOT will either place the path on the south side or work with the developer to route path around and across any rail siding that might be developed.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480

Concerns Identified Within the Development Footprint

Stormwater Management

- If rezoning is approved and the site is planned for development, projects disturbing greater than 5,000 square feet require the development and approval of a Sediment and Stormwater Plan prior to any land disturbing activity taking place on the site.

- The plan must be approved by the appropriate agency. This agency will vary depending on the location of the project, or whether is operated by a state agency or school district. The appropriate agency for this project is identified below.

- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (https://apps.dnrec.state.de.us/eNOI/default.aspx) to the DNREC Division of Watershed Stewardship, along with the $195 fee.

- Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105. Website: https://www.sussexconservation.org/

- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.
  Website: http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx.

Hydric Soil Group

- While the western edge of the property is well drained B soils, the parcel also contains B/D and A/D poorly drained soils.

- Types C and D soils are not conducive to infiltration stormwater Best Management Practices (BMPs) such as bioretention and infiltration basins, which must meet minimum infiltration requirements. If approved for zoning and the site is planned for development, all BMPs that propose to use infiltration or natural recharge shall include a soils investigation.

- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.
  E-mail: DNREC.Stormwater@delaware.gov.
  Website: http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx.

Federal Wetlands

- Statewide Wetlands Mapping Project maps indicate the potential presence of wetlands on the southeast corner of the parcel.

- A delineation of waterways and wetlands is required from the U.S. Army Corps of Engineers if planning on disturbing wetlands, and for Section 404 and Section 10 permitting. The use of a private delineation professional to identify the waterways and wetlands on site speeds up the application process if a permit is necessary. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.

- For a list of consultants and engineers please visit the DNREC Wetlands and Subaqueous Lands Section link: http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf

- Contact: U.S. Army Corps of Engineers (Dover Office) at DoverRegulatoryFieldOffice@usace.army.mil or (267) 240-5278. Website: https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/

Industrial Stormwater

- This application was to request rezoning of this parcel to Heavy Industrial District.

- If zoning is approved and the site is developed, a Notice of Intent for Industrial Stormwater under National Pollutant Discharge Elimination System may be required for this site (post-development). The applicant should contact the DNREC Surface Water Discharges Section for more information.

- Contact: DNREC Surface Water Discharges Section at (302) 739-9946. Website: https://dnrec.alpha.delaware.gov/water/surface-water/npdes/industrial-stormwater-runoff/

Concerns Identified Outside of the Development Footprint

Delaware Ecological Network

- The forest adjacent to this parcel is part of the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.

- Rezoning to industrial could have the potential to negatively impact wildlife within lands of the Delaware Ecological Network.

- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/

Once a decision has been reached on this proposed comprehensive plan amendment, the county will need to submit their final decision to the Office of State Planning for our records. If approved, we must receive a copy of the plan amendment with the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

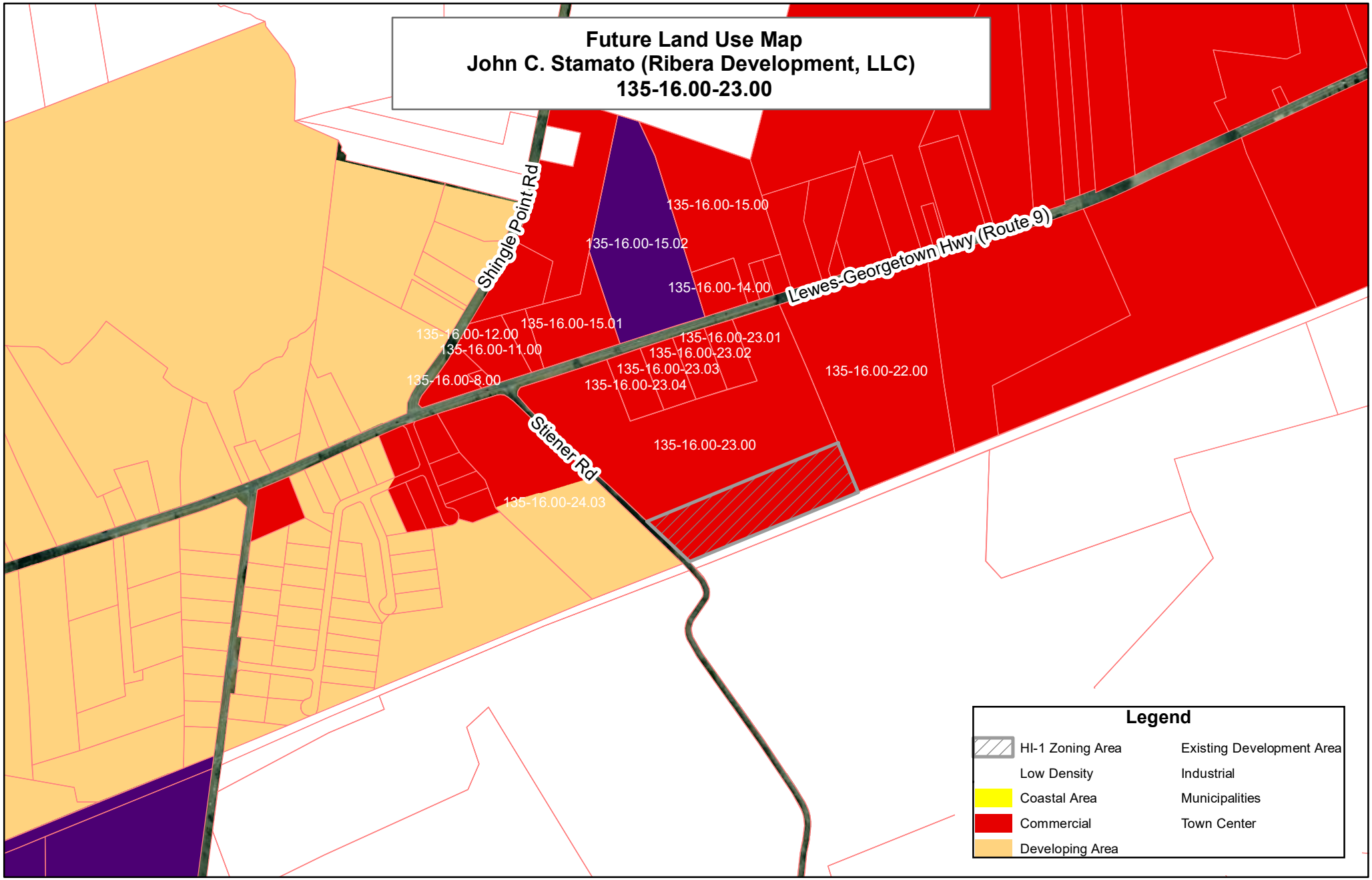
Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

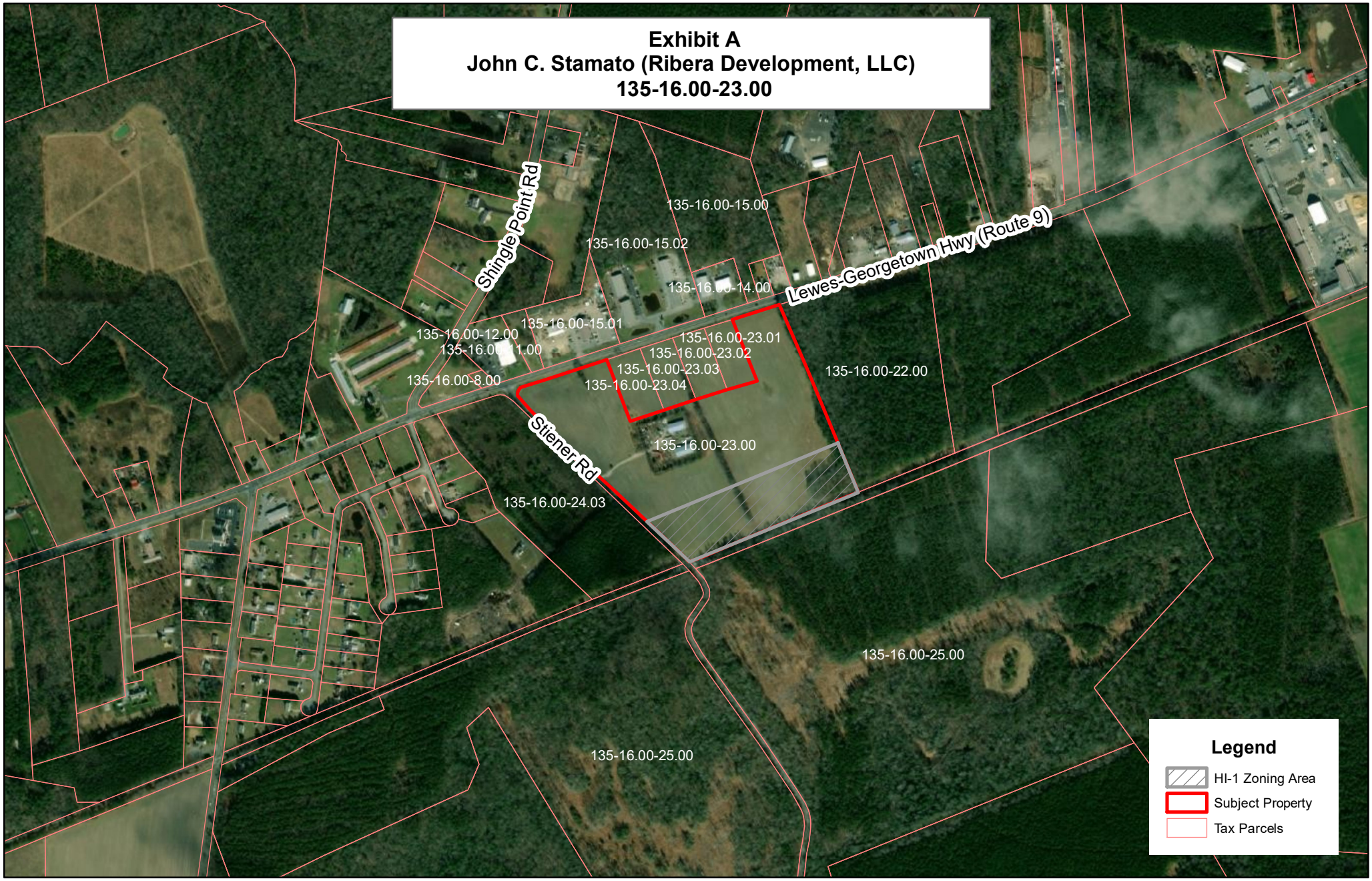
Constance C. Holland

Constance C. Holland, AICP
Director, Office of State Planning Coordination

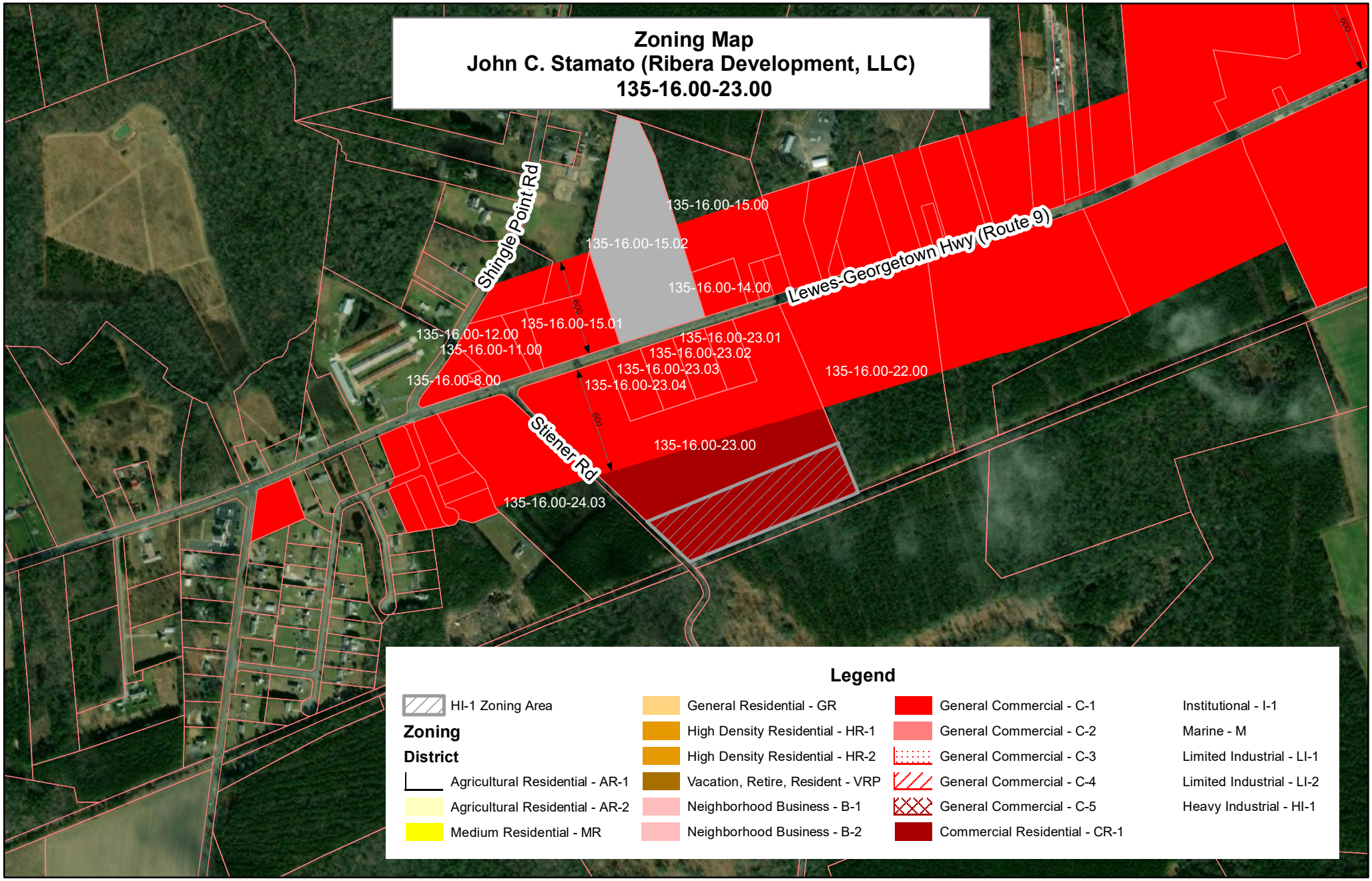
Sussex County



Sussex County



Sussex County



Delaware.gov Agencies News Topics Contact

OSPC ABOUT LAND USE PLANNING PLUS DDD GIS & DATA PUBLICATIONS

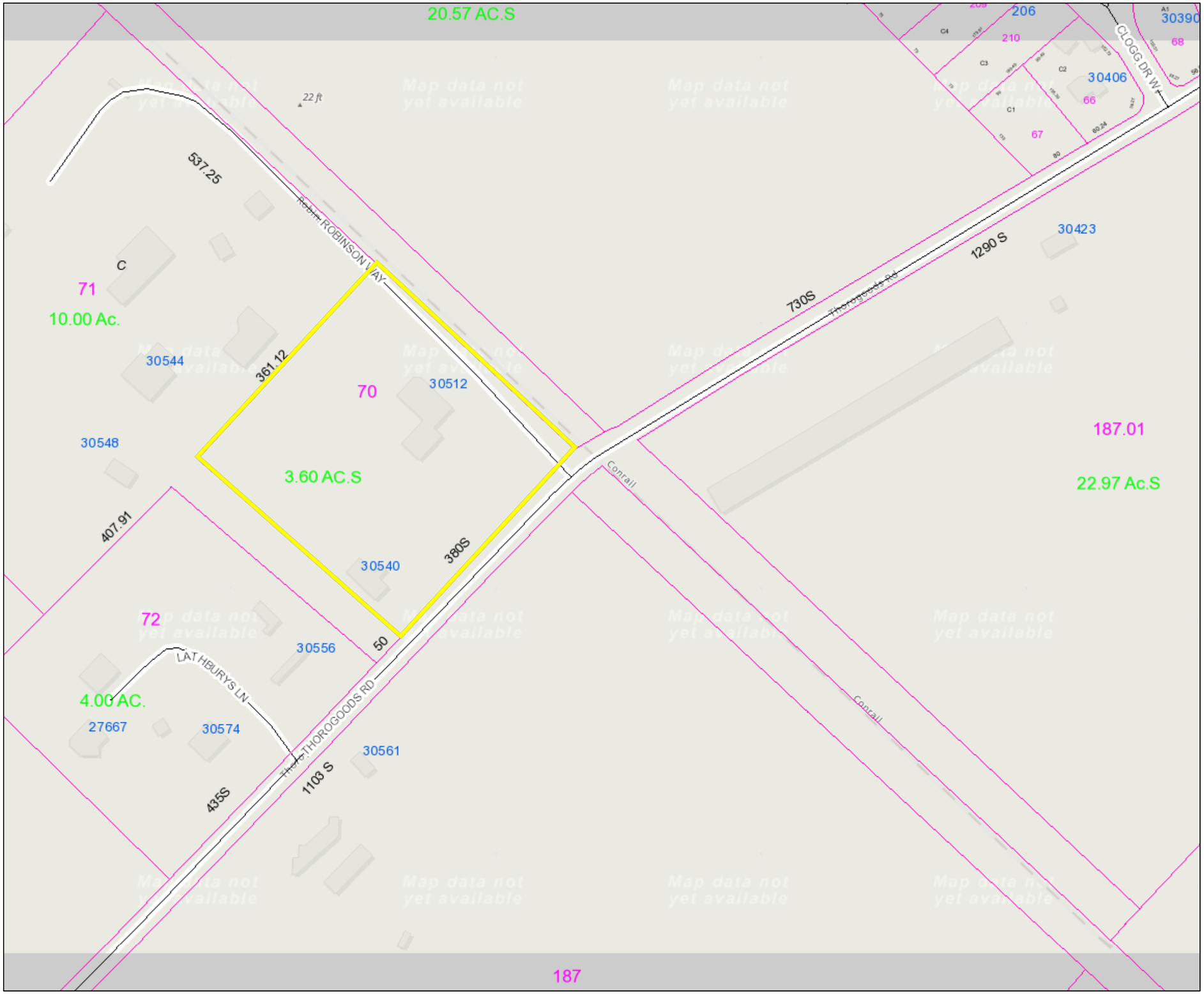
PLANNING & ZONING COMMISSION
ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE

Sussex County
DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 10th, 2020

Application:	CZ 1913 FW & SV Thoroughgood Family Limited Partnership
Applicant/Owner:	FW & SV Thoroughgood Family Limited Partnership 30771 Thorogoods Road Dagsboro, DE 19939
Site Location:	On the west side of Thorogoods Road at 30540 & 30512 Thorogoods Road (S.C.R. 333).
Current Zoning:	AR-1 (Agricultural Residential District)
Proposed Zoning:	HI-1 (Heavy Industrial District)
Comprehensive Land Use Plan Reference:	Developing Areas
Councilmatic District:	Mr. Rieley
School District:	Indian River School District
Fire District:	Dagsboro Fire Department
Sewer:	Private (On-site)
Water:	Private (On-site)
Site Area:	3.60 acres +/-
Tax Map ID.:	233-5.00-70.00

Sussex County



PIN:	233-5.00-70.00
Owner Name	F W & S V THOROUGHGOOD FAMILY
Book	2946
Mailing Address	30771 THOROGOODS RD
City	DAGSBORO
State	DE
Description	DIRT RD/DUPONT RD
Description 2	TO CANNONS SWITH
Description 3	3.6 AC.S.
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

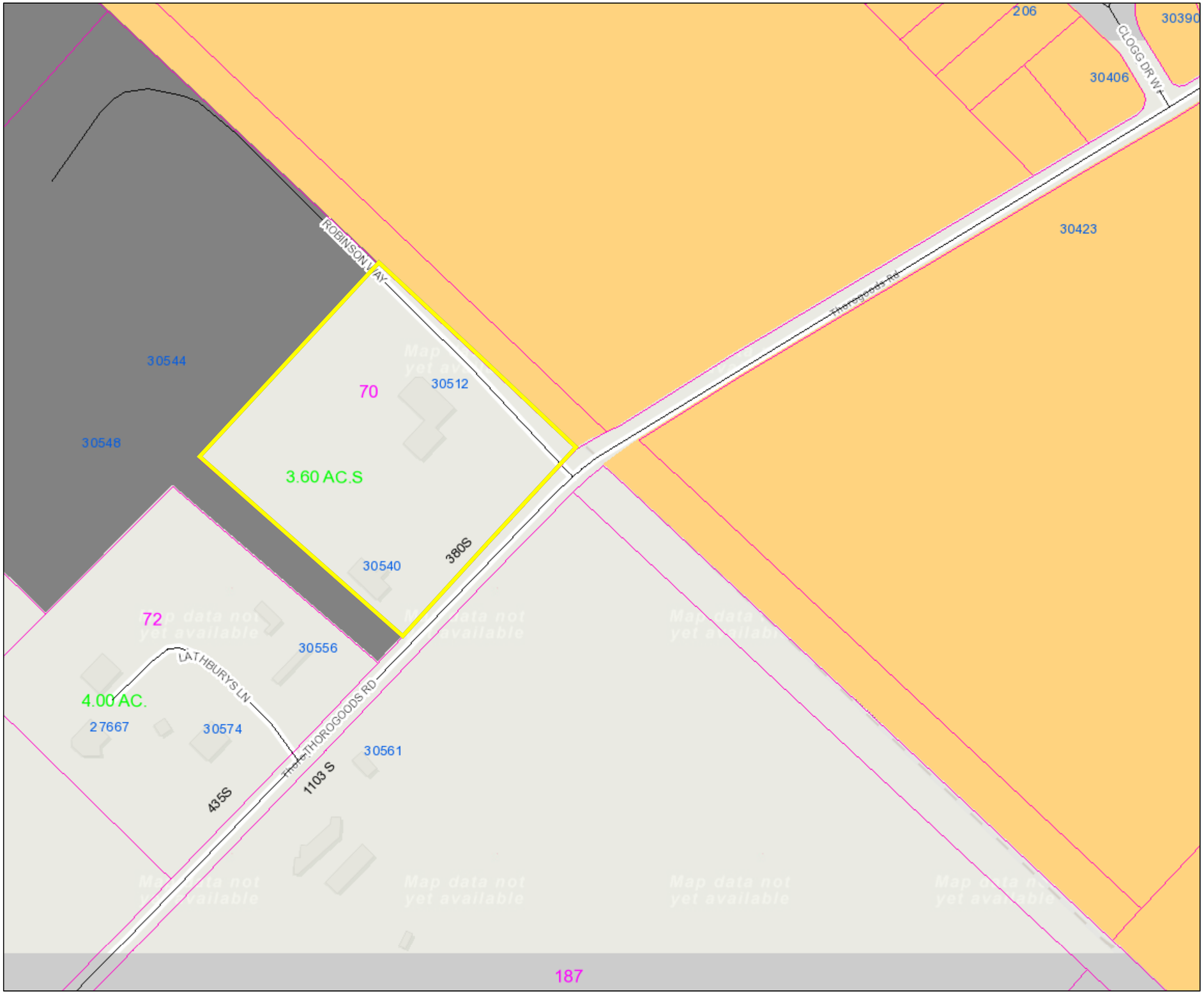
1:2,257

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

August 17, 2020

Sussex County



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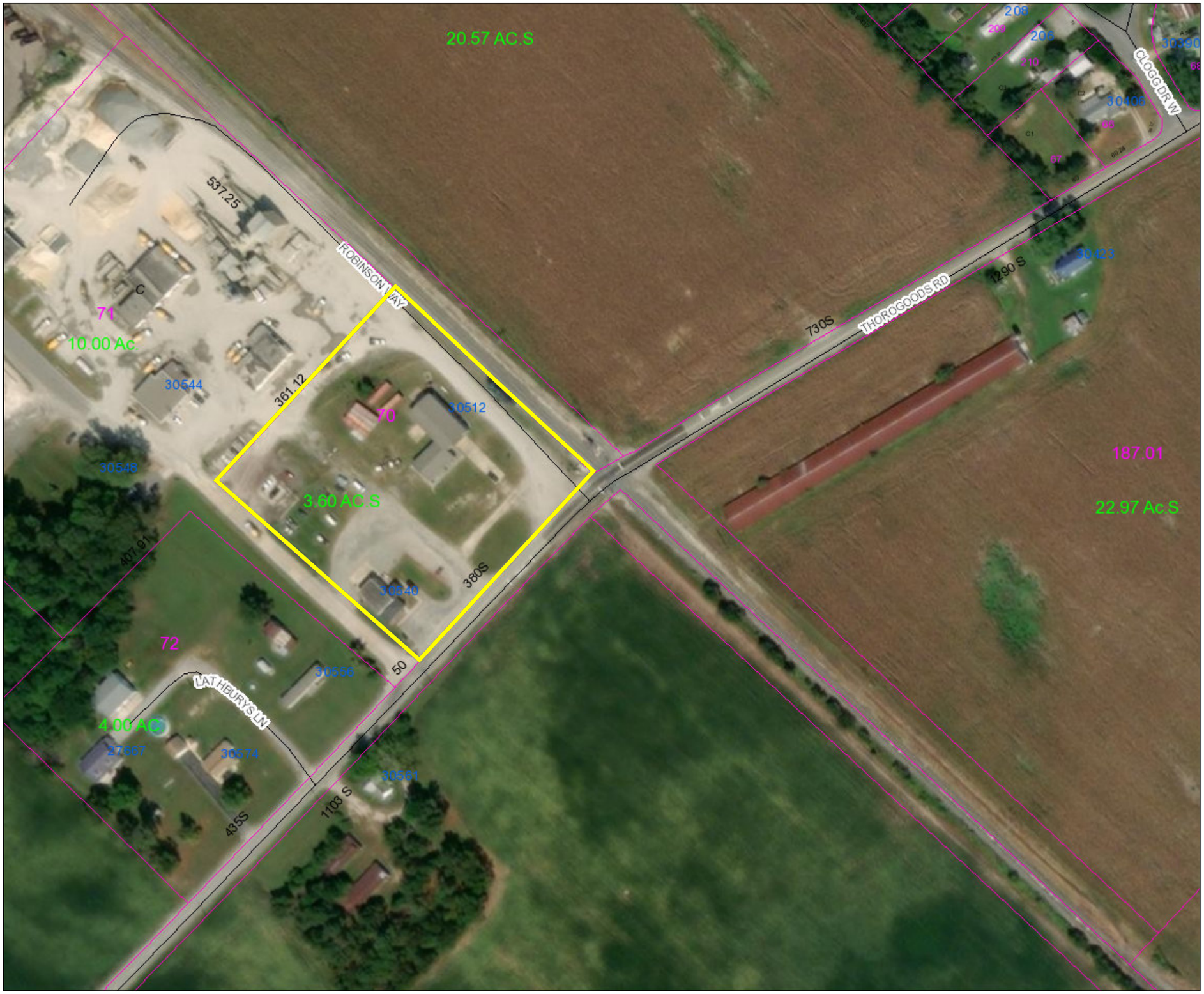

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August 17, 2020

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 25, 2020
RE: Staff Analysis for CZ 1913 FW & SV Thoroughgood Family Limited Partnership

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1913 FW & SV Thoroughgood Family Limited Partnership to be reviewed during the September 10, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 233-5.00-70.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Heavy Industrial (HI-1) District. The parcel is located on the west side of Thorogoods Road. The property is located at 30512 and 30540 Thorogoods Road in Dagsboro, Delaware. The size of the property is approximately 3.60 acres +/-

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has the land use designation of "Developing Area." The properties to the east on the other side of Robinson Way are also designated "Developing Areas."

"Developing Areas" are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of "Developing Areas" with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The properties to the north and west are designated "Industrial Areas." Industrial Areas are lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporate a combination of light industry and other business uses. Large, more intensive stand-alone industrial uses should also be directed to these areas.

The areas to the to the south (on the opposite side of Thorogoods Road) of the subject parcel are designated as "Coastal Areas." Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed.

Additionally, the subject property is zoned Agricultural Residential (AR-1) Zoning District. The property to the south is also zoned Agricultural Residential (AR-1) Zoning District. The property to the east on the other side of Robinson Way is zoned General Residential (GR) Zoning District. The property encompassing the subject property to the north and west is zoned Heavy Industrial (HI-1) Zoning District.

Although the Heavy Industrial (HI-1) Zoning District is not listed as an applicable zoning district for "Developing Areas" under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan, it is listed as an applicable zoning district for "Industrial Areas." The adjacent parcel which surrounds the subject parcel is designated as an "Industrial Area" of which the Heavy Industrial (HI-1) Zoning District is an applicable zoning district.

Since 2011, there have been no Change of Zone application proposed within a one-mile radius of the application site.

Based on the analysis of the surrounding zoning and uses, a Change of Zone to Heavy Industrial (HI-1) in this location, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: C/Z #1913
2019 14203

Planning & Zoning Commission Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Conditional Use ___
Zoning Map Amendment ✓

Site Address of Conditional Use/Zoning Map Amendment

30540 & 30512 Thorogoods Road, Dagsboro, DE

Type of Conditional Use Requested:

Tax Map #: 233-5.00-70.00 **Size of Parcel(s):** 3.60 acres

Current Zoning: AR-1 **Proposed Zoning:** HI-1 **Size of Building:** To be determined

Land Use Classification: 2019 Future Land Use Map: Developing Area

Water Provider: _____ **Sewer Provider:** _____

Applicant Information

Applicant Name: FW & SV Thoroughgood Family Limited Partnership
Applicant Address: 30771 Thorogoods Road
City: Dagsboro State: DE ZipCode: 19939
Phone #: (302) 245-7778 E-mail: mgchildrenscenter@yahoo.com

Owner Information

Owner Name: FW & SV Thoroughgood Family Limited Partnership
Owner Address: 30771 Thorogoods Road
City: Dagsboro State: DE Zip Code: 19939
Phone #: (302) 245-7778 E-mail: mgchildrenscenter@yahoo.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esquire (Morris James LLP)
Agent/Attorney/Engineer Address: 107 West Market Street
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 856-0018 E-mail: dhutt@morrisjames.com

RECEIVED
DEC 10 2019
SUSSEX COUNTY
PLANNING & ZONING

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

✓ **Completed Application**

✓ **Provide eight (8) copies of the Site Plan or Survey of the property**

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

✓ **Provide Fee $500.00**

___ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

✓ **DelDOT Service Level Evaluation Request Response**

___ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on by behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney

_____ Date: 11/26/19

Signature of Owner

Frank Thoroughgood Date: 11/26/19

For office use only:

Date Submitted: 12/11/2019 Fee: $500.00 Check #: 106012

Staff accepting application: NP Application & Case #: 2019114203

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

November 20, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **FW & SV Thoroughgood Family Limited Partnership** rezoning application, which we received on October 22, 2019. This application is for an approximately 3.60-acre parcel (Tax Parcel: 233-5.00-70.00). The subject land is located on the northwest side of Thorogoods Road (Sussex Road 333), approximately 2,400 feet northwest of the intersection of Dagsboro Road (Sussex Road 334) and Thorogoods Road, south of the Town of Millsboro. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to HI-1 (Heavy Industrial) to continue operating a general garage and conducting industrial activities.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Thorogoods Road where the subject land is located is 3,319 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

DelDOT

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr.

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
FW & SV Thoroughgood Family Limited Partnership, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING DIVISION
C/U & C/Z COMMENTS

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/24/2020**

APPLICATION: **CZ 1913 FW & SV Thoroughgood Family Limited Partnership**

APPLICANT: **FW & SV Thoroughgood Family Limited Partnership**

FILE NO: **NCPA-5.03**

TAX MAP & PARCEL(S): **233-5.00-70.00**

LOCATION: **On the west side of Thorogoods Road (SCR 333) at 30540 & 30512 Thorogoods Road**

NO. OF UNITS: **Up zone from AR-1 to HI-1**

GROSS ACREAGE: **3.60**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

a. If yes, see question (2).
b. If no, see question (7).

(2). Which County Tier Area is project in? **Municipal Growth & annexation Area**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **M/A**. Is it likely that additional SCCs will be required? **No** If yes, the current System Connection Charge Rate is **Unified $6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed Change of Zone is in the Growth and Annexation Area of the Town of Millsboro. Contact the Town of Millsboro concerning the availability of sanitary sewer and water.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:

John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
No Permit Tech Assigned

FW & SV Thoroughgood Family Limited Partnership

Change of Zone No. 1913

FW & SV Thoroughgood Family
Limited Partnership
30771 Thorogoods Road
Dagsboro, DE 19939

SCTP No: 233-5.00-70.00
30540 & 30512 Thorogoods Road,
Dagsboro, DE

David C. Hutt, Esquire
Morris James LLP

Public Hearings:

Planning Commision	09/10/2020
County Council	10/06/2020

Table of Contents

Tab “1”

File #: _____

Planning & Zoning Commission Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Conditional Use ___
Zoning Map Amendment ✓

Site Address of Conditional Use/Zoning Map Amendment

30540 & 30512 Thorogoods Road, Dagsboro, DE

Type of Conditional Use Requested:

Tax Map #: 233-5.00-70.00 **Size of Parcel(s):** 3.60 acres

Current Zoning: AR-1 **Proposed Zoning:** HI-1 **Size of Building:** To be determined

Land Use Classification: 2019 Future Land Use Map: Developing Area

Water Provider: _____ **Sewer Provider:** _____

Applicant Information

Applicant Name: FW & SV Thoroughgood Family Limited Partnership
Applicant Address: 30771 Thorogoods Road
City: Dagsboro State: DE ZipCode: 19939
Phone #: (302) 245-7778 E-mail: mgchildrenscenter@yahoo.com

Owner Information

Owner Name: FW & SV Thoroughgood Family Limited Partnership
Owner Address: 30771 Thorogoods Road
City: Dagsboro State: DE Zip Code: 19939
Phone #: (302) 245-7778 E-mail: mgchildrenscenter@yahoo.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esquire (Morris James LLP)
Agent/Attorney/Engineer Address: 107 West Market Street
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 856-0018 E-mail: dhutt@morrisjames.com

RECEIVED
DEC 10 2019
SUSSEX COUNTY
PLANNING & ZONING

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

✓ **Completed Application**

✓ **Provide eight (8) copies of the Site Plan or Survey of the property**

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

✓ **Provide Fee $500.00**

___ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

✓ **DelDOT Service Level Evaluation Request Response**

___ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on by behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney

_____ Date: 11/26/19

Signature of Owner

Frank T. Shaughnessy _____ Date: 11/26/19

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 30540 Thorogoods Road

Dagsboro, DE 19939

Parcel #: 233-5.00-70.00

Site Address: _____

_____

Parcel #: _____

Applicant Name: FW & SV Thoroughgood Family Limited Partnership

Owner Name: FW & SV Thoroughgood Family Limited Partnership

Type of Application:

Conditional Use: ☐
Change of Zone: ☒
Subdivision: ☐
Board of Adjustment: ☐

Date Submitted: _____

For office use only:
Date of Public Hearing: _____
File #: _____
Date list created: _____ List created by: _____
Date letters mailed: _____ Letters sent by: _____

Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33016233-0002 Lindsey S 12/11/2019 08:42AM

PERMITS / INSPECTIONS
CHANGE OF ZONE - FEE
2019 Item: 201914203|Z015 500.00

500.00

Subtotal	500.00
Total	500.00
CHECK	500.00
Check Number00000106012	
Change due	0.00

Paid by: MORRIS JAMES LLP

Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT

Tab “2”

09970

BK 02946 PG 230

Tax Parcel#2-33-5.00-13.00; 70.00; 186.01
Prepared by: David W. Baker, Esq., P.A.
P O Box 551, 109 S. Race St.
Georgetown, Delaware 19947
Return to: FRANK W. THOROUGHGOOD
SARA V. THOROUGHGOOD
Box 129A
Dagsboro, Delaware 19939

NO LIEN OR TITLE SEARCH
PERFORMED - NONE REQUESTED

This Deed, made this 26th day of February,

in the year of our Lord Two Thousand Four.

BETWEEN SARA V. THOROUGHGOOD, of E. D. 1, Box 129A, Dagsboro, Delaware 19939, party of the first part,

-and-

F W and S V THOROUGHGOOD FAMILY LIMITED PARTNERSHIP, a Delaware Limited Partnership, of R. D. 1, Box 129A, Dagsboro, Delaware 19939, party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Dollar ($1.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, its Successors and Assigns,

PARCEL NO. 1 (2-33-5.00-13.00):

ALL that certain piece, parcel or lot of land lying and being situate in Dagsboro Hundred, Sussex County and State of Delaware and lying on the westerly side of County Road leading from Dagsboro-Millsboro Stone Road to Pennsylvania Rail Road bounded and described as follows, to wit:

BEGINNING center of a ditch on westerly side of aforesaid county road right of way; thence with right of way S 55¼° W, 242 feet to curve thence S 40° W, 100 feet to a light pole thence leave road with other land of Edward M. Clogg and Lucy M. Clogg, his wife, N 54° 50' W, 291 feet to center of Wharton's Branch

Consideration: 90.00 Exempt Code: A

County	State	Total
0.00	0.00	0.00
counter	Date: 02/26/2004	

S RLP

Canal; thence in a northeasterly direction to the mouth of a ditch leading into Wharton's Branch; thence down center of said ditch northeasterly to place of BEGINNING, containing 49,300 square feet more or less with improvements thereon.

BEING the same lands conveyed unto SARA V. THOROUGHGOOD by deed of FRANK WILLIAM THOROUGHGOOD, II and WILLIAM EDGAR THOROUGHGOOD dated the 12th day of August, A.D. 1992, and filed of record in the Office of the Recorder of Deeds, in and for Sussex County, State of Delaware, in Deed Book 1872 at Page 247.

PARCEL NO. 2 (2-33-5.00-70.00; 186.01):

TRACT NO. 1:

ALL that certain lot, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, Delaware, bounded on the East by D.M.&V. Railroad Company, bounded on the South by State Road #333, bounded on the North by Thoro-Goods Concrete Company and bounded on the West by a road leading from State Road #333 to Thoro-Goods Concrete Company and being more particularly described as follows:

BEGINNING on the northerly right of way of State Road #333 where the same is intersected by the easterly right of way of the road leading from State Road #333 to Thoro-Goods Concrete Company; thence along the northerly right of way of State Road #333 in an easterly direction, 376 feet or such a distance as will reach the D.M.&V. Railroad; thence along the D.M.&V. Railroad in a northerly direction a distance of 420 feet or such a distance as will reach Thoro-Goods Concrete Company; thence along lands of Thoro-Goods Concrete Company in a westerly direction 376 feet or such a distance as will reach the road leading from State Road #333 to Thoro-Goods Concrete Company; thence in a southerly direction along said outlet road 420 feet or such a distance as will reach the place of beginning, be the contents what they may.

TRACT NO. 2:

ALL that certain tract, piece and parcel of land lying and being situated in Dagsboro Hundred, Sussex County, Delaware, more particularly described as follows, to wit:

BEGINNING at a point in the Northeasterly right-of-way line of County Road 334 which point is a Southwesterly corner for land of J. R. Blizzard; thence by and with the aforesaid Northeasterly right-of-way line of County Road 334 North 52° 43' 34" West a distance of 70 feet; thence North 31° 16' 26" East a distance of

234 feet to a point; thence South 59° 3' 34" East a distance of 73 feet to a point; thence North 31° 16' 26" East a distance of 427.18 feet to a point; thence South 52° 16' 41" West a distance of 66.89 feet to a point in Wharton's Branch; thence by and with the meanderings of Wharton's Branch to a point which is 331.58 feet South 1° 40' 22" East of the last-mentioned point; thence continuing with Wharton's Branch in a Southwesterly direction to a point which is 259.82 feet South 44° 46' 46" West of the last-mentioned point; thence North 52° 43' 34" West a distance of 174.83 feet to a point; thence South 37° 16' 26" West a distance of 150 feet home to the place of beginning, said to contain 2.73 acres, more or less.

TRACT NO. 3:

ALL that certain lot, piece or parcel of land, situate, lying and being in Dagsboro Hundred, Sussex County, Delaware, on the southeasterly side of County Road 333, more fully described as follows:

BEGINNING at a concrete monument in the Southeasterly right-of-way line of County Road 333 which point is 390 feet from the intersection of County Road 333 and County Road 334, and being a corner for this land and lands now or formerly of William Thoroughgood; thence by and with the aforesaid County Road 333 North 38° 11' 40" East a distance of 100.00 feet to a concrete monument; thence by and with other lands now or formerly of Durham & Thompson South 54° 17' 00" East a distance of 200.25 feet to a concrete monument on line of other lands now or formerly of Durham & Thompson; thence by and with other lands now or formerly of Durham & Thompson South 38° 11' 40" West a distance of 100.00 feet to a concrete monument; thence North 54° 17' 00" West a distance of 200.25 feet home to the place of beginning, containing 20,006.17 square feet, more or less, as will more fully and clearly appear upon reference to a plot prepared by Gene R. Littleton in March, 1974, together with all improvements thereon.

BEING the same lands conveyed unto SARA V. THOROUGHGOOD by deed of FRANK W. THOROUGHGOOD and SARA V. THOROUGHGOOD dated the 23rd day of May, A.D. 1989, and filed of record in the Office of the Recorder of Deeds, in and for Sussex County, State of Delaware, in Deed Book 1701 at Page 62.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal, the day and year aforesaid.

SIGNED, SEALED, DELIVERED,
and Witnessed in the presence of

Lisa R. Baker

Sara V. Thoroughgood (SEAL)
SARA V. THOROUGHGOOD

Gail M Jones

STATE OF DELAWARE :
: ss.
SUSSEX COUNTY :

BE IT REMEMBERED, that on this 26th day of February, in the year of our Lord Two Thousand Four personally came before me, a Notary Public in and for the State and County aforesaid, SARA V. THOROUGHGOOD, party to this Indenture, known to me personally to be such, and acknowledge this Indenture to be her Deed.

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

DAVID W. BAKER
ATTORNEY AT LAW
NOTARY PUBLIC STATE OF DELAWARE
No Expiration Date

(Seal)
Notary Public

RECORDER OF DEEDS
JOHN F. BRADY

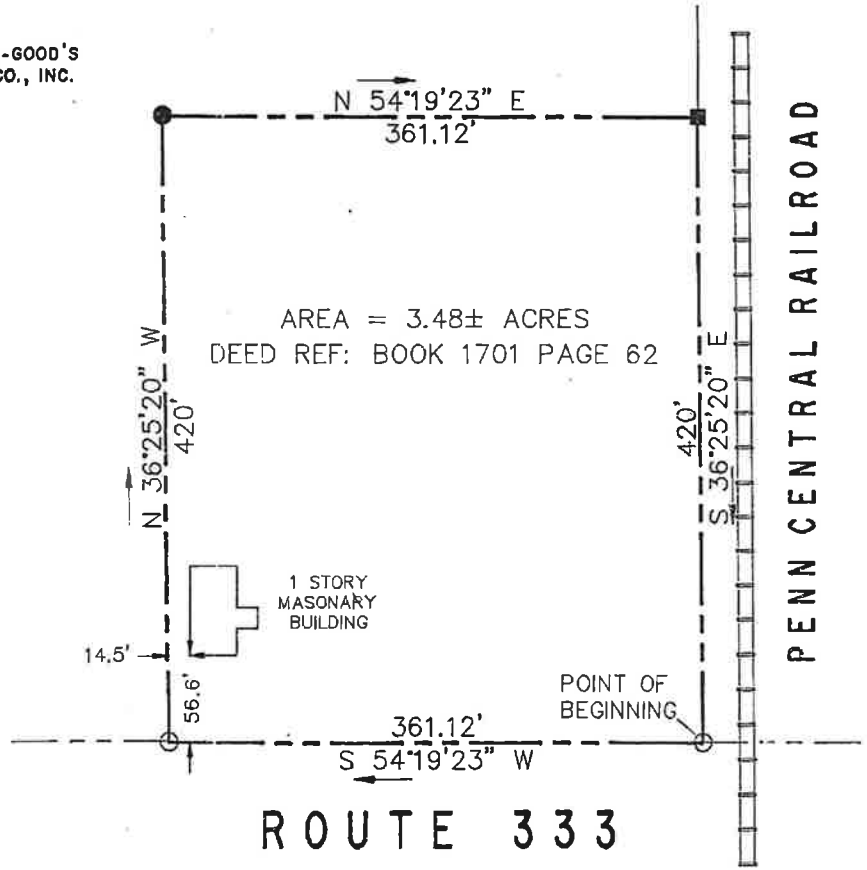
04 FEB 26 AM 10: 50

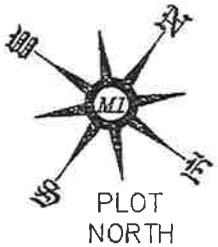
SUSSEX COUNTY
DOC. SURCHARGE PAID

Received
FEB 27 2004
ASSESSMENT DIVISION
OF SUSSEX CTY

Tab “3”

DRAWING NUMBER
6DF - 269





I HEREBY STATE THAT THIS PARCEL SURVEY WAS PERFORMED IN ACCORDANCE WITH ACCEPTABLE LOCAL SURVEYING STANDARDS FOR THE EXCLUSIVE USE OF THE PRESENT OWNER AND THOSE WHO PURCHASE OR ISSUE TITLE INSURANCE TO THIS PARCEL WITHIN SIX MONTHS FROM THE MOST RECENT DATE HEREON.

- UNLESS THIS PLAT HAS AN EMBOSSED SEAL AND AN ORIGINAL SIGNATURE OF THE SURVEYOR, IN RED INK, THIS IS NOT AN AUTHORIZED COPY.
- THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE FOR RIGHTS-OF-WAY OR EASEMENTS CROSSING THE PROPERTY.
- NO TITLE SEARCH PROVIDED OR STIPULATED.

■ = FOUND CONCRETE MARKER
● = FOUND IRON PIPE
○ = SET IRON PIPE

PARCEL OF
SARA V. THOROUGHGOOD

DAGSBORO HUNDRED – SUSSEX COUNTY – DELWARE

SCALE: 1" = 100'	DATE: 4-29-95	DRAWN BY: DAN
McCann, Inc. Surveyors Designers Engineers		F.B.: 133/46 W.O.: 95-04-1041 T.M.: 2-35-5-70
Georgetown, DE 19947 Dover, DE 19901 Clarksville, DE 19937 DONALD J. McCANN P.L.S. #440		

Tab “4”

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR
(302) 855-7878 T
(302) 854-5079 F

Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 10/22/19

Site Information:

Site Address/Location: 30540 Thorogoods Road, Dagsboro, DE

Tax Parcel Number: 233-5.00-70.00
Current Zoning: AR-1
Proposed Zoning: HI-1
Land Use Classification: Commercial

Proposed Use(s): General garage/industrial activities

Square footage of any proposed buildings or number of units: N/A

Applicant Information:

Applicant's Name: FW & SV Thoroughgood Family Limited Partnership

Applicant's Address: 30771 Thorogoods Road
City: Dagsboro State: DE Zip Code: 19939

Applicant's Phone Number: 302-245-7778
Applicant's e-mail address: mgchildrenscenter@yahoo.com

David C. Hutt, Esq.
Morris James LLP
107 W. Market Street
PO Box 609
Georgetown, DE 19947
(302) 856-0015
DHutt@MorrisJames.com

RECEIVED
OCT 22 2019
SUSSEX COUNTY
PLANNING & ZONING

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

November 20, 2019

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **FW & SV Thoroughgood Family Limited Partnership** rezoning application, which we received on October 22, 2019. This application is for an approximately 3.60-acre parcel (Tax Parcel: 233-5.00-70.00). The subject land is located on the northwest side of Thorogoods Road (Sussex Road 333), approximately 2,400 feet northwest of the intersection of Dagsboro Road (Sussex Road 334) and Thorogoods Road, south of the Town of Millsboro. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to HI-1 (Heavy Industrial) to continue operating a general garage and conducting industrial activities.

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If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

DelDOT

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr.

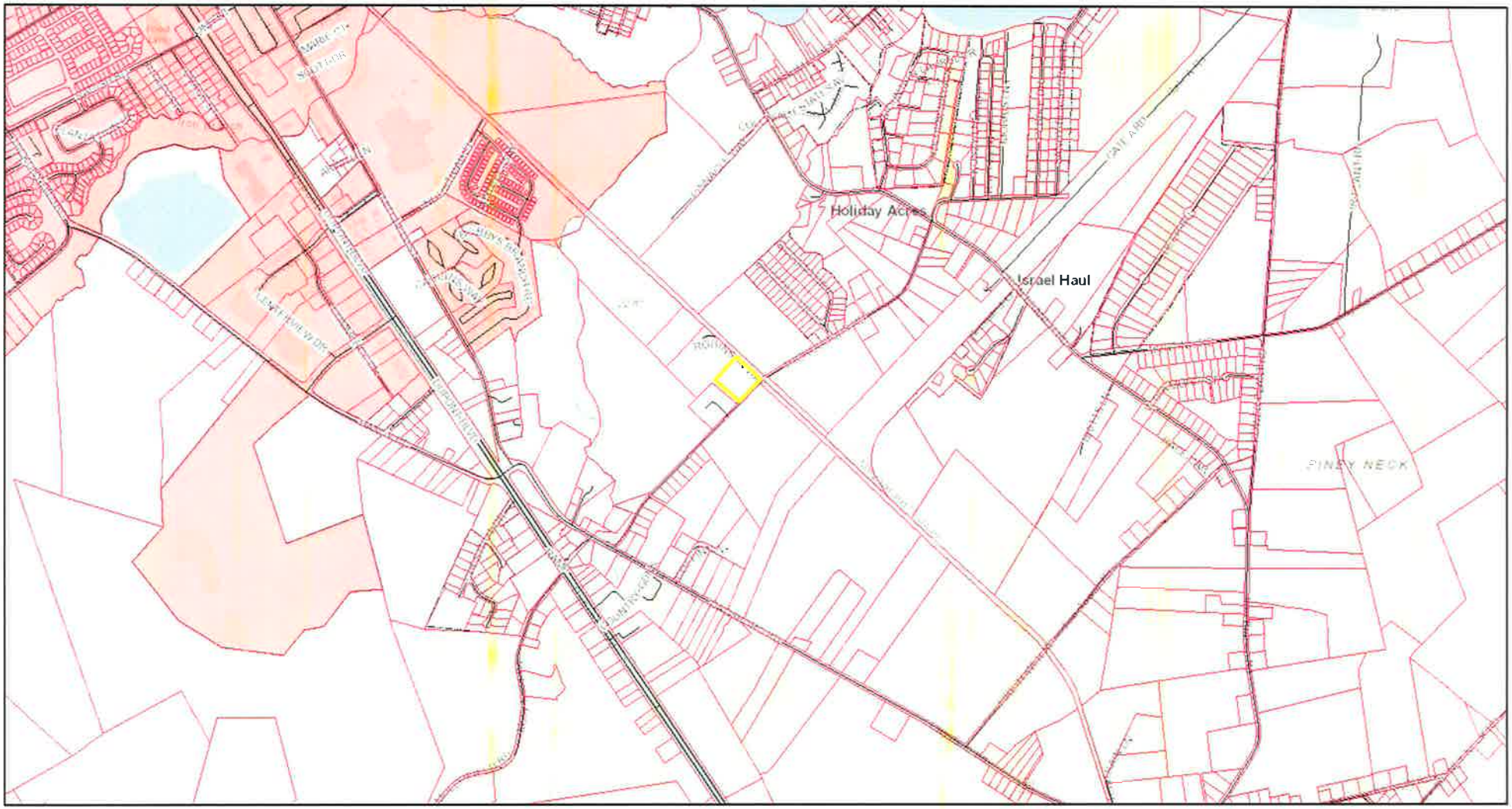
T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
FW & SV Thoroughgood Family Limited Partnership, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

Tab “5”

Sussex County



August 29, 2020

1:18,056

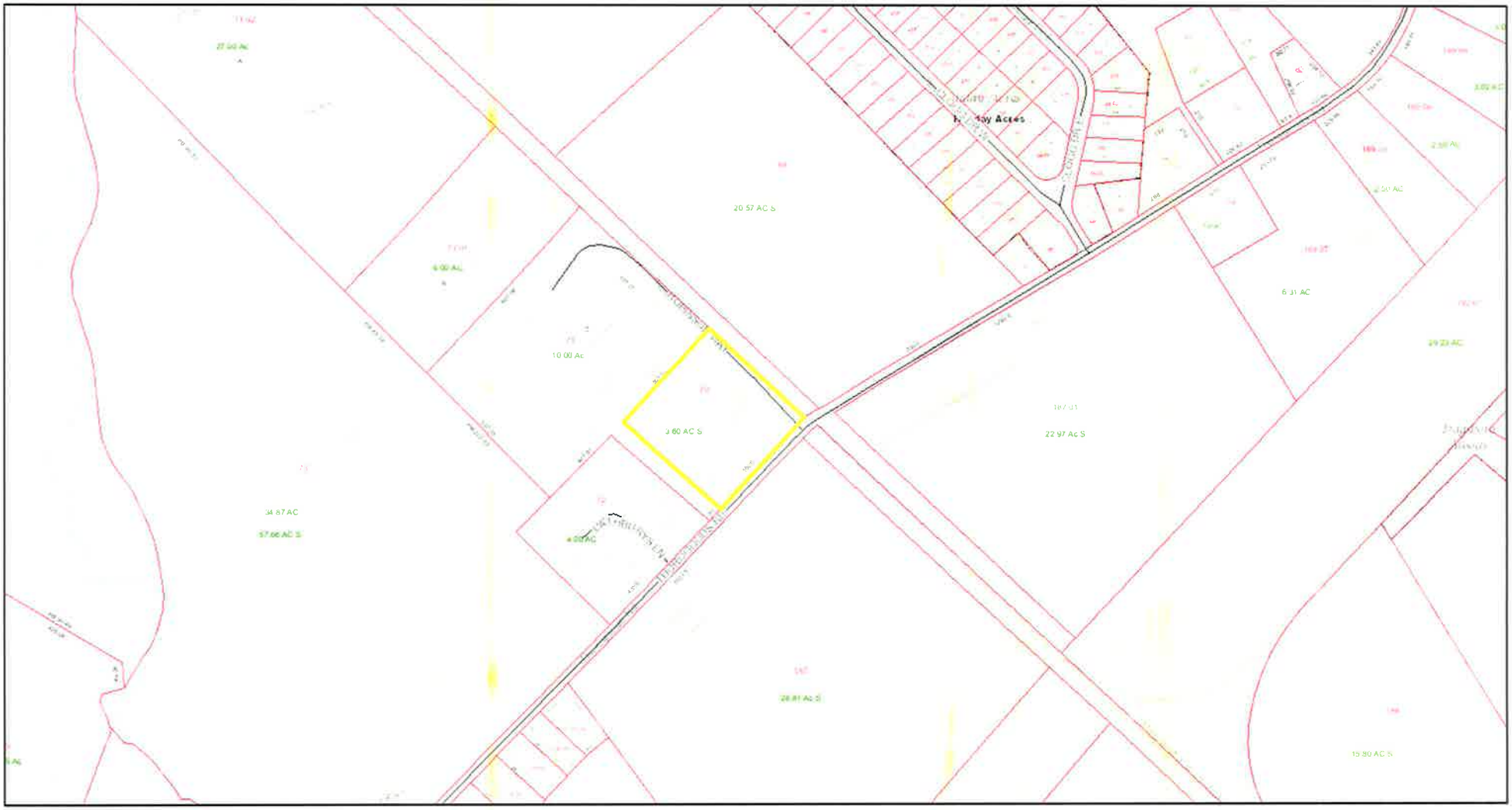
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Communities
- Public Protected Lands
- Geographic Names
- Municipal Boundaries

0 0.17 0.35 0.7 mi

0 0.28 0.55 1.1 km

Delaware Geological Survey, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, FirstMap

Sussex County



August 29, 2020

Override 1
Override 1
Tax Parcels
Streets
County Boundaries
Communities
Public Protected Lands
Geographic Names
Municipal Boundaries

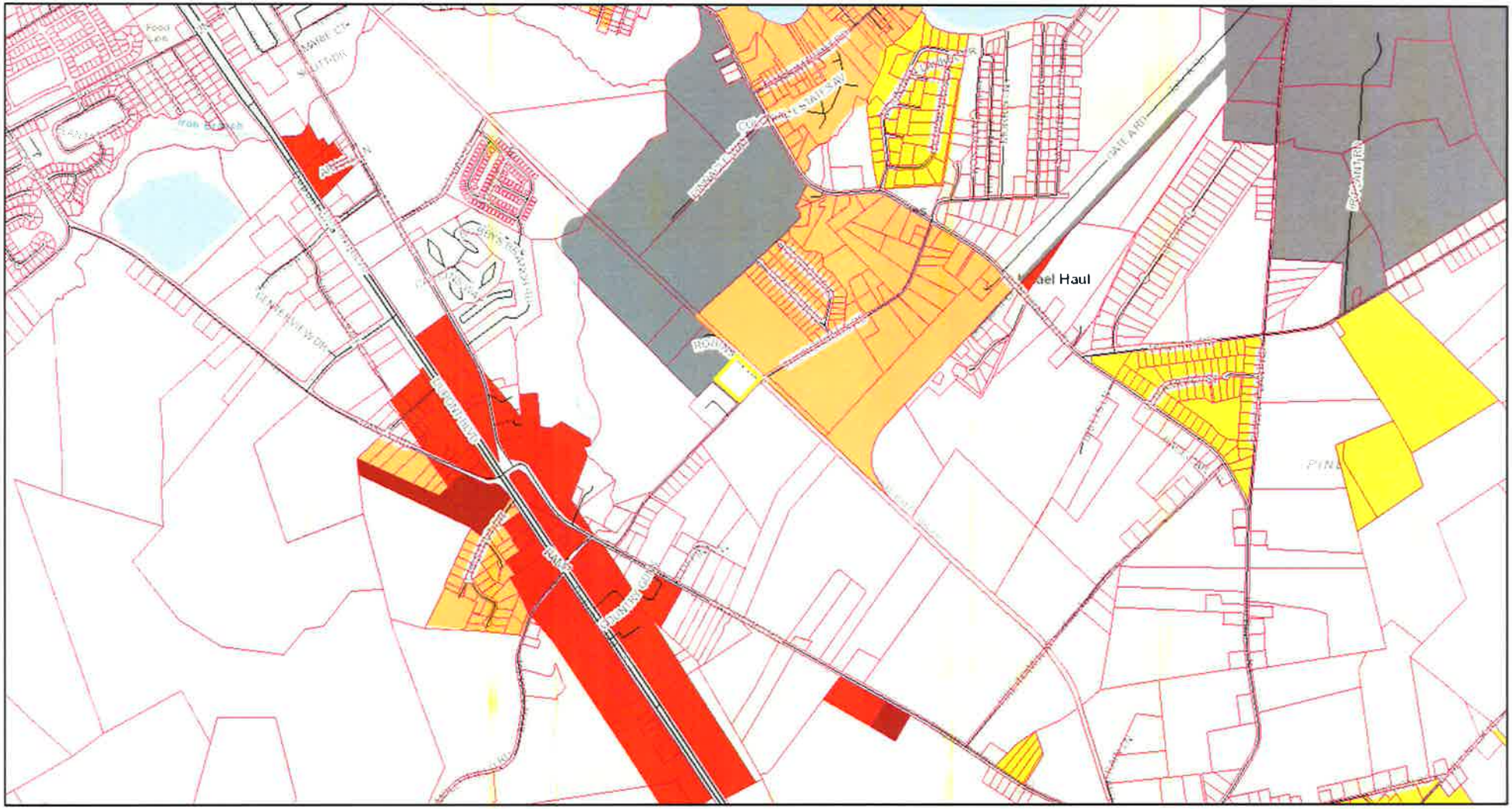
1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government, FirstMap

Sussex County



August 29, 2020

1:18,056

0 0.17 0.35 0.7 mi

0 0.28 0.55 1.1 km

Override 1

Override 1

Tax Parcels

Streets

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

Neighborhood Business - B-2

Business Research - B-3

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3

General Commercial - C-4

General Commercial - C-5

Commercial Residential - CR-1

Institutional - I-1

Marine - M

Limited Industrial - LI-1

Light Industrial - LI-2

Heavy Industrial - HI-1

County Boundaries

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

Sussex County

August 29, 2020

1:4,514

- Override 1
- Override 1
- Tax Parcels
- Streets

Zoning

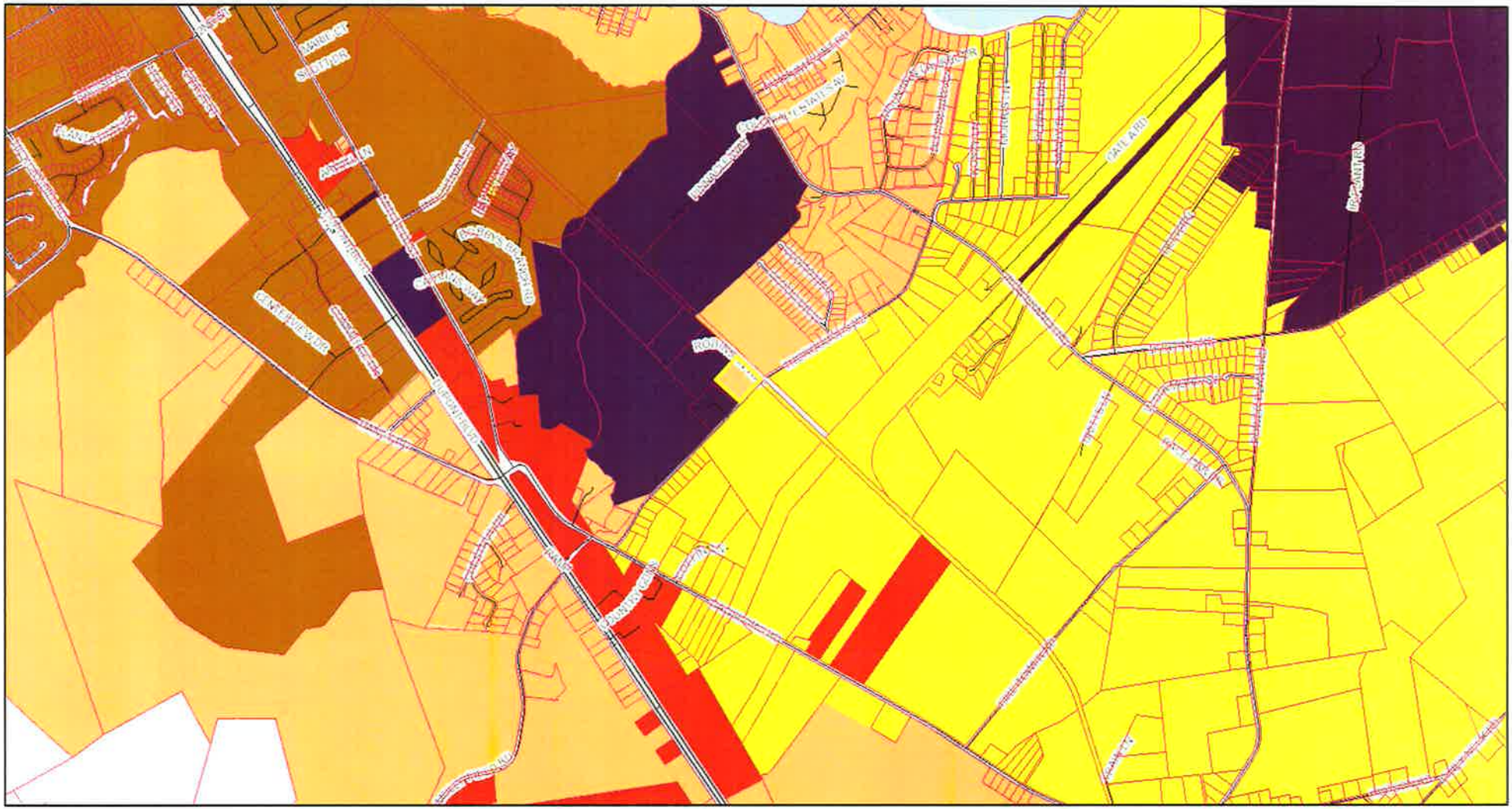
- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- Neighborhood Business - B-2
- Business Research - B-3
- General Commercial - C-1
- General Commercial - C-2
- General Commercial - C-3
- General Commercial - C-4
- General Commercial - C-5
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- County Boundaries
- Communities
- Public Protected Lands
- Geographic Names
- Municipal Boundaries

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government, FirstMap

Sussex County



August 29, 2020

Override 1

Override 1

Tax Parcels

Streets

County Boundaries

2019 Future Land Use

Low Density

Coastal Area

Commercial

Developing Area

Existing Development Area

Industrial

Municipalities

Town Center

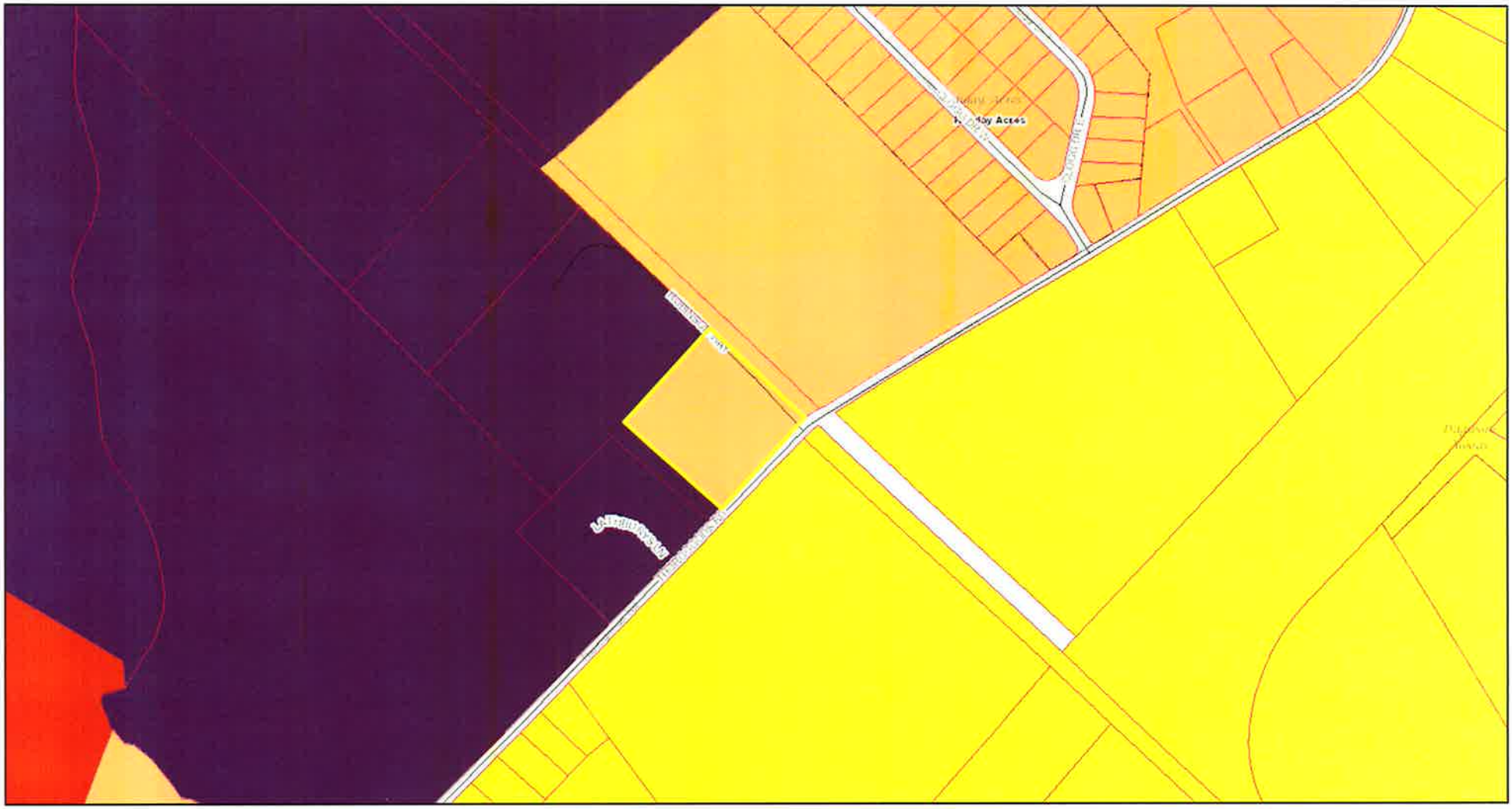
1:18,056

0 0.17 0.35 0.7 mi

0 0.28 0.55 1.1 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County



August 29, 2020

- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Communities
- Public Protected Lands
- Geographic Names
- 2019 Future Land Use
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center
- Municipal Boundaries

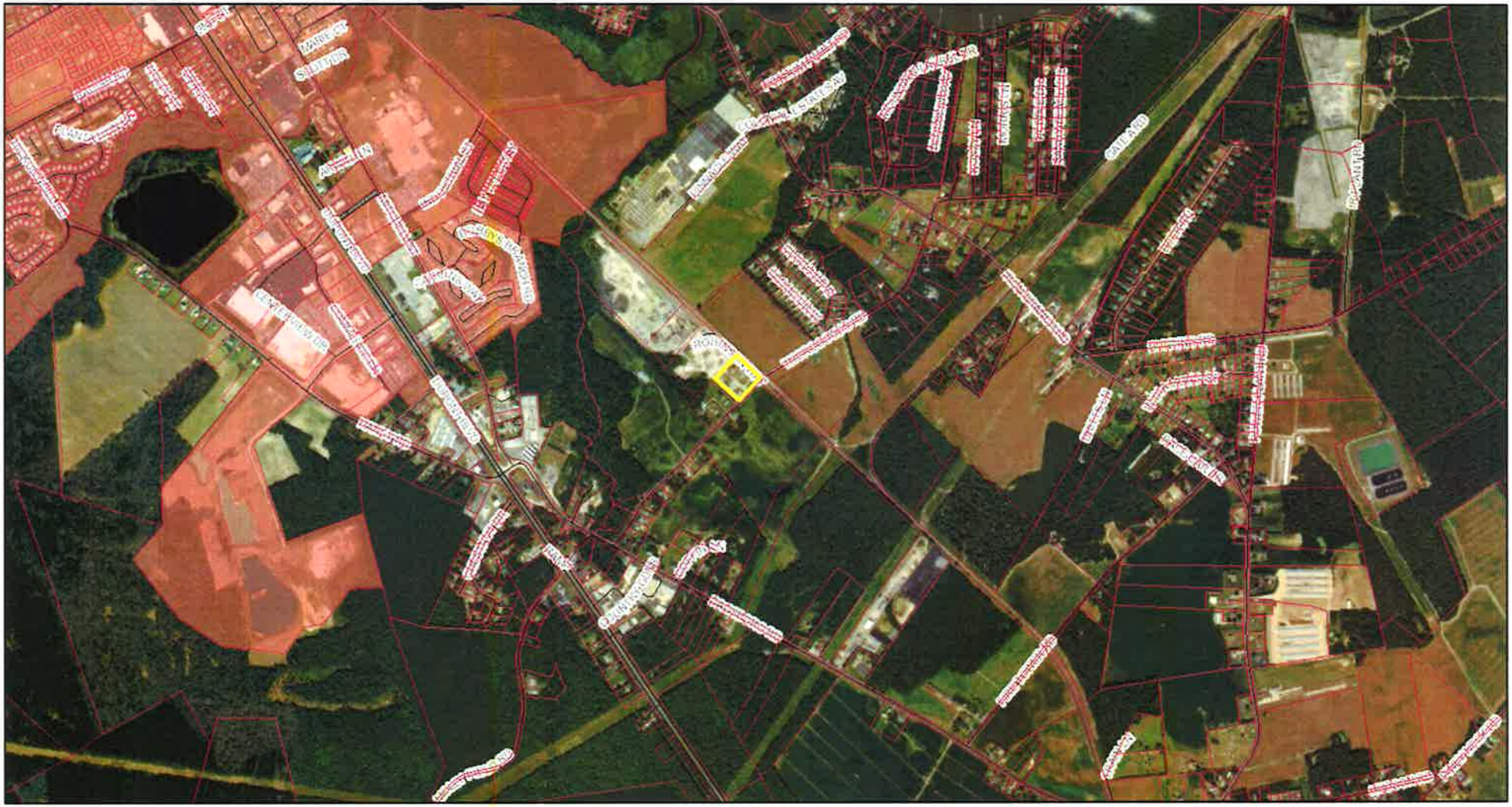
1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government, FirstMap

Sussex County



August 29, 2020

Override 1
Override 1
Tax Parcels
Streets
County Boundaries
Communities
Public Protected Lands
Geographic Names
Municipal Boundaries

1:18,056

0 0.17 0.35 0.7 mi
0 0.28 0.55 1.1 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Delaware Geological Survey, Sussex County Government, FirstMap

Sussex County

August 29, 2020

Override 1
Override 1
Tax Parcels
Streets
County Boundaries
Communities
Public Protected Lands
Geographic Names
Municipal Boundaries

1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County, Sussex County Government, FirstMap

Tab “6”

National Flood Hazard Layer FIRMette

FEMA

75°16'25"W 38°34'25"N

75°15'48"W 38°33'57"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Are of 1% annual chance flood with averag depth less than one foot or with drainag areas of less than one square mile *Zone*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zon*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

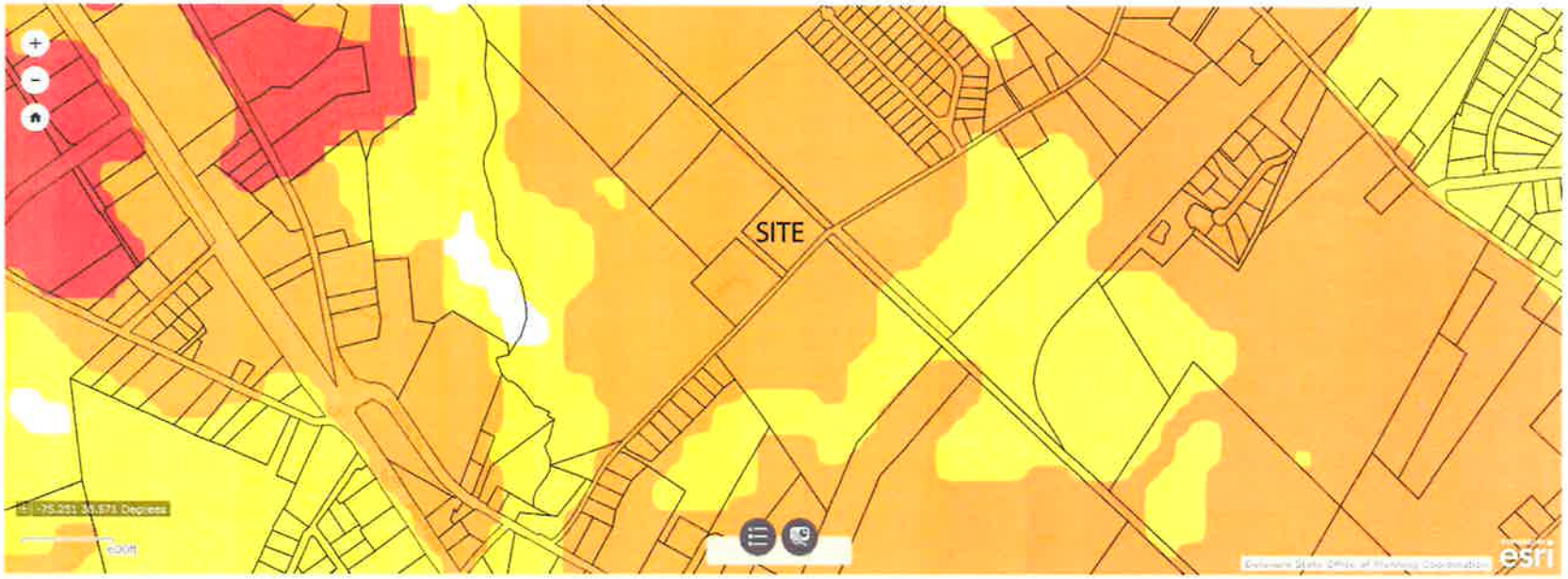
The pin displayed on the map is an approximat point selected by the user and does not repres an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/29/2020 at 1:24 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Tab “7”



DE_State_Strategies_2020

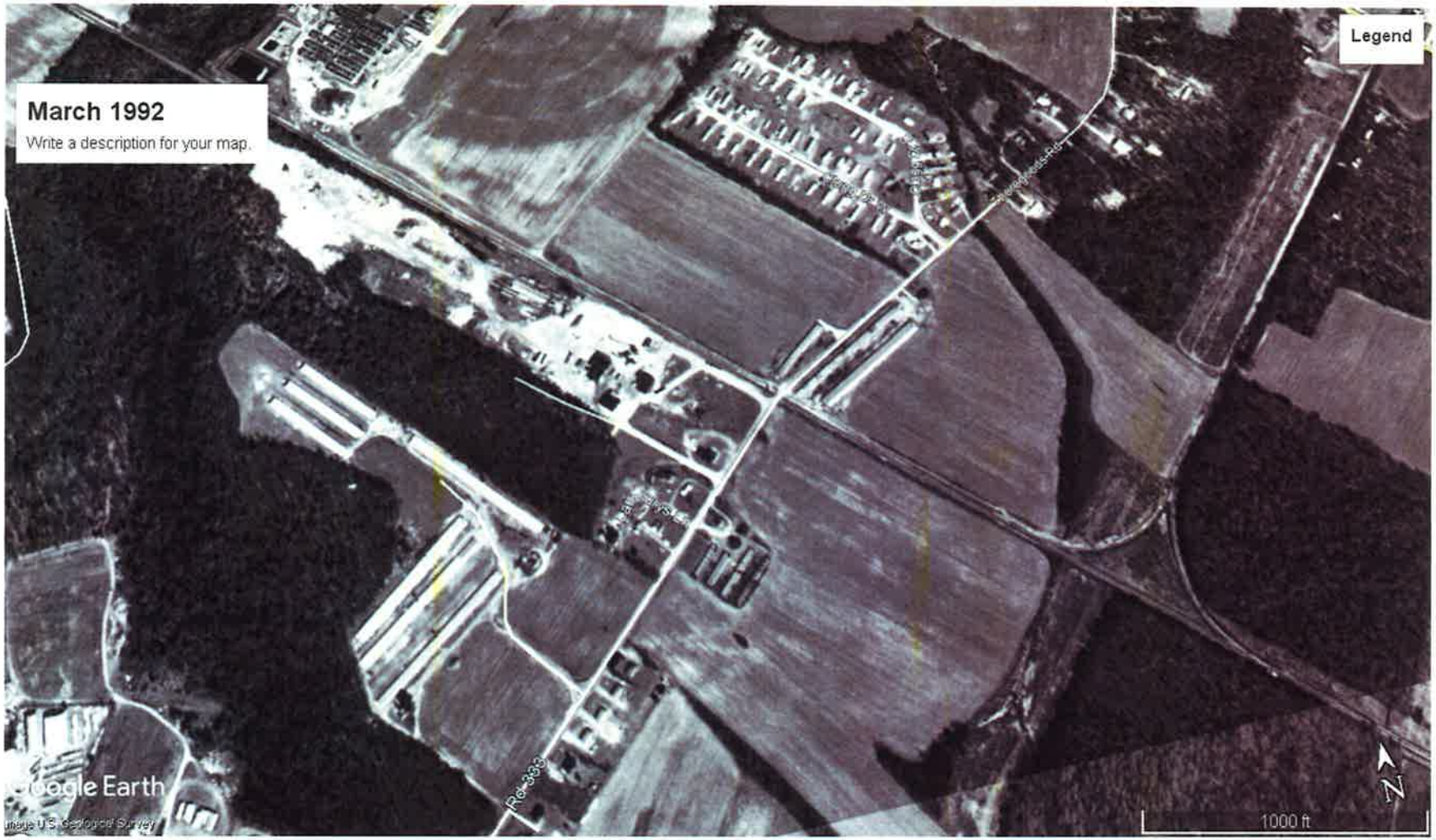
2020 State Strategies

- 1
- 2
- 3
- 4
- Out of Play

DELAWARE STATE STRATEGIES MAP 2020

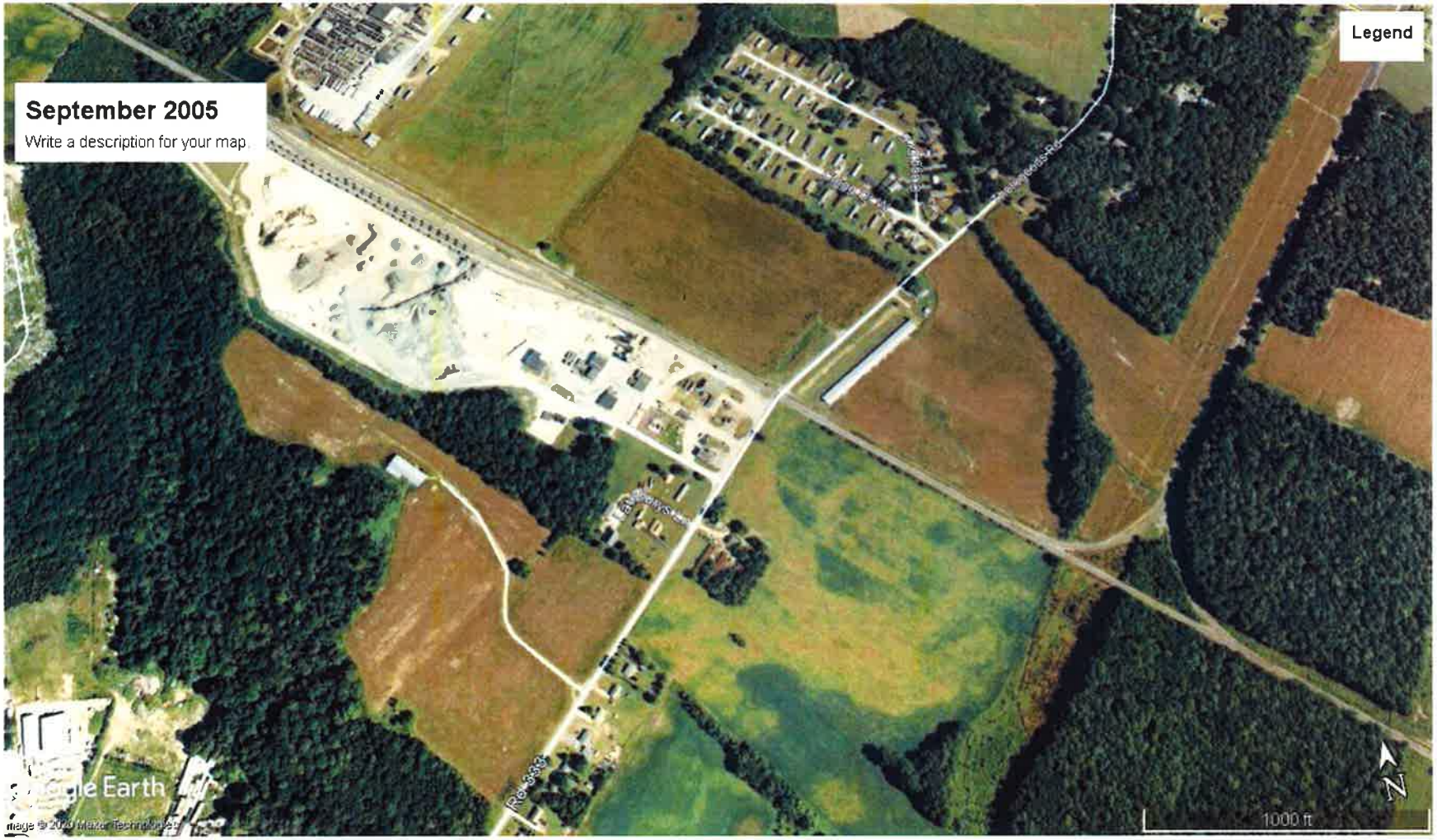
11998944/1

Tab “8”



AERIAL IMAGE—March 1992

11998954/1



AERIAL IMAGE—September 2005

AERIAL IMAGE—June 2018

Tab “9”

ORDINANCE NO. 1039

WITH STIPULATIONS

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCK REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.48 ACRES, MORE OR LESS

WHEREAS, on the 12th day of May, 1995, a conditional use application, denominated C/U #1120 was filed on behalf of Sara V. Thoroughgood; and

WHEREAS, on the 8th day of June, 1995, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that C/U #1120 be approved; and

WHEREAS, on the 27th day of June, 1995, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of C/U #1120 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying at the northwesterly corner of the intersection of Road 333 and Penn Central Railroad and being more particularly described as follows:

BEGINNING at the northwesterly corner of the intersection of Road 333 and Penn Central Railroad, thence along the right of way of Road 333, south 54°19′23" west 361.12 feet to an iron pipe being a corner for these lands and lands of Thoro-Good's Concrete Co., Inc. thence along said lands the following two courses and distances 1) north 36°25′20" west 420 feet to an iron pipe, thence north 54°19′23" east 361.12 feet to a concrete marker on the right of way of Penn Central Railroad, thence along said right of way south 36°25′20" east 420 feet to said place of beginning, said parcel to contain 3.48 acres more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

1. No oil changes shall be performed on site.
2. No fuel shall be stored or sold on site.
3. Not more than ten vehicles shall be stored on site at any time.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1039 ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 27TH DAY OF JUNE, 1995.

Robin A. Griffith
Clerk of the County Council

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will enable a family trucking business to locate and grow at the facility in an area adjoining Heavy Industrial zoned property.
2. The proposed use will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
3. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
4. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Tab “10”

BUILDING CODE REQUIRED: Yes

BUILDING PERMIT APPLICATION
SUSSEX COUNTY, DELAWARE

PERMIT NO. 157446

NEEDS TOWN PERMIT: NA DNREC # NA S & W NA Div. of Rev. NA

LOCATION

Route 333 (N) (S) (E) (W) Side: corner with (E) (miles) (N) (S) (E) (W) of Bnn(entre)

Subdiv. or TP: Lot No. Section or Block Patrick

Town Street

District No. 233 Map No. 5 Parcel No. 70 MANU. HOME #

Frontage: 561 + Depth: 420 + Acreage: 3.45 Ac.

ASSESSMENT

I. TYPE OF IMPROVEMENT

Cost of Improvements 24,000. Stories

New Building Size 7540

Addition

Relocation

Accessory Structure Truck Shop

Sign Light Repairs

Remodeling

Other

II. INTERIOR

No. of Bedrooms

No. of Bathrooms

No. of Rooms

Remarks

III. HEATING

Electric ☐ Gas ☐

Heat Pump ☐ FHA ☐

Air Conditioned ☐

IV. EXTERIOR WALLS

Vinyl ☐ Wood ☐

Aluminum Siding ☐ Brick ☐

Other

V. INTERIOR WALLS

Dry Wall ☐

Paneling ☐

Other

VI. FOUNDATION

Pad ☐ Brick ☐

Pilings ☐ Conc. Blk. ☐

Other

VII. FIRE PLACE

Yes ☐ No ☐

MASONARY ☐ Metal ☐

VIII. ROOFING

Built-Up ☐

Asphalt Shingle ☐

Metal Shingle ☐

Other

IX. FLOORING

Earth ☐ Wood ☐

Carpet ☐ Vinyl ☐

Concrete ☐

Other

ZONING

TYPE OF USE

Existing Use OFFICE BLDG.

Proposed Use TRUCK REPAIR SHOP (42x75)

Single Family Commercial Other

Zoning District AR1 Number of Units

SETBACKS

Front Yard per site plan Side Yard Rear Yard

Side yard on side street on corner lot

From any dwelling of other ownership

From any other unit in a manufactured home park

Cannot occupy more than % of total lot area

Height

Board of Adjustment Case No.

Conditional Use Case No.

Approved by Planning & Zoning 8-8-95

SEE BELOW

FLOOD

Flood Zone X

Elevation Required above Mean sea level

To be measured to.

1. Finished first floor

2. Lowest structural member:

Elevation Certification ☐ Height Certification ☐

Breakaway Walls ☐ Venting ☐

Placement Survey ☐

ADDITIONAL REQUIREMENTS & COMMENTS S.C.D. not required

Bldg Code & Fire Marshal OK

CONTRACTOR IDENTIFICATION

Name: Smith Thermographical

Address: Dorrisboro Rd

City: Laurel State: DE Zip: 19956

Co Lnsch Of.

Name & Address of provider of Certificate of Compliance (Builder)

Name:

Address: NA

City: State: Zip:

The owner of this building or land and the undersigned agree to comply to all applicable Federal, State and County Regulations and to apply for a Certificate of Compliance or Completion. This does not imply approval of other Governmental Agencies or Compliance with private deed restrictions.

Applicant: Frank Thermogaard Phone No. 302-934-8859

Fee: 94.50. Date Issued: 8-8-95

ZONING AND BUILDING PERMIT will expire one (1) year from date of issue. Permit may be renewed if construction has begun and continued in a normal manner and not discontinued for reasons other than those in permit holder's control. Grading or surface shaping of the site shall not be considered as "actual construction". Permit must be renewed prior to expiration date.

OFFICIALS AND INSPECTORS RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY. The owner or owners of these premises do hereby consent to the Board of Assessment and Planning Agents and Building Code Officials to enter upon said premises during the construction for which this PERMIT is granted, or within a reasonable time thereafter, for the purpose of assessing and inspecting said premises and remains being given on the signing of this permit.

THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

AB

AGEMENT PERMIT
(N APPROVAL AGENCY)

Lot #
or Road#

(state) (zip)

Phone: 855 0562

Phone: 856 3081

Del 19947

d Area sq. ft.

151446

fication may be submitted instead of a
the Delaware Sediment and Stormwater

are contiguous lots being developed

complying with any and all Federal, State,

ntrol under the provisions of this permit, the
ional control measures as necessary OR
ion.

ast five days prior to beginning construction.

ction by the Sussex Conservation District.

tion; that I/We have read and understand
ll the limitations and conditions set forth by

DATE 8/8/95

DATE

ning Agency PINK-Applicant

STATE O
DIVISION
STATEMENT FO

If property is recently acquired,
Realty Transfer Tax (unless other
construction or alteration of building
contracted or undertaken within one
tax is 1% against construction amount

If the building permit is for ar
decks, etc.) wherein the property was
value of the building, including sepa
the property owner must complete a
this permit office) to establish the a
may apply under the law. However
your permit, simply check the item b
apply, please request the State ta
cannot be processed until an exem
paid.

I hereby attest that:

() This building permit is not fo
structure whether residentia
columns or walls; or,

X The owner has owned the
construction contract.

() The total contract cost(s)
building, are less than $10,

Name of building owner:

Tax parcel number or pro

I affirm the foregoing is tr

For local permit office use on
Permit Number:
Permit Value:

BUILDING CODE REQUIRED: Yes

BUILDING PERMIT APPLICATION
SUSSEX COUNTY, DELAWARE

PERMIT NO. 181582

NEEDS TOWN PERMIT: _____ DNREC # 1001153 S & W _____ Div. of Rev. _____

LOCATION

Route 333 (N) (S) (E) (W) Side: 1/2 (ft) (Miles) (N) (S) (E) (W) of 354

Subdiv. or TP: _____ Lot No. _____ Section or Block _____

Town _____ Sheet _____

District No. 2-33 Map No 5 Parcel No. 70 MANU. HOME # _____

Frontage: _____ Depth: _____ Acreage: 3.00

ASSESSMENT

C-1

I. TYPE OF IMPROVEMENT

Cost of Improvements 34,870 Stories _____

New Building _____ Size 2 Stories

Addition _____

Relocation _____

Accessory Structure Office Building

Step _____

Remodeling _____

Other _____

II. INTERIOR

No. of Bedrooms _____

No. of Bathrooms 2

No. of Rooms 3

Basement _____

III. HEATING

Electric ☐ Gas ☑

Heat Pump ☐ FHA ☐

Air Conditioned ☑

IV. EXTERIOR WALLS

Vinyl ☐ Wood ☐

Alum. Siding ☐ Brick ☐

Other Metal

V. INTERIOR WALLS

Dry Wall ☑

Paneling ☐

Other _____

VI. FOUNDATION

Full ☐ Block ☐

Piling ☐ Conc Blk ☐

Other Pole

VII. FIRE PLACE

Yes ☐ No ☐

MASONARY ☐ Metal ☐

VIII. ROOFING

Built-Up ☐ Metal ☑

Asphalt Shingle ☐

Wood Shingle ☐

Other _____

IX. FLOORING

Earth ☐ Wood ☐

Carpet ☐ Vinyl ☐

Concrete

Other _____

ZONING

TYPE OF USE

Existing Use Building - Warehouse

Proposed Use Office Bldg

Single Family _____ Commercial ✓ Other _____

Zoning District C-1 AR-1 Number of Units _____

SETBACKS

Front Yard 40' Side Yard 15' Rear Yard 20'

Side yard on side street on corner lot _____

From any dwelling of other ownership _____

From any other unit in a manufactured homepark _____

Cannot occupy over than _____ % of total lot area

Height 42 max

Board of Adjustment Case No. _____

Conditional Use Case No. C1120

Approved by Planning & Zoning Office 6-11-99

C/O

FLOOD

Flood Zone _____

Elevation Required above Mean sea level _____

To be measured to:

1. Finished first floor _____

2. Lowest structural member _____

Elevation Certification ☐ Height Certification ☐

Breakaway Walls ☐ Venting ☐

Placement Survey ☐

ADDITIONAL REQUIREMENTS & COMMENTS Building Code; Fire Marshal OK. SCD N/A < 5,000 sf

OWNER'S IDENTIFICATION:

Name: Lucille V. Thornycroft

Address: 1201 Bridgeville Rd

City: Seaford State: DE Zip: 19973

On Lands Of: STA-73

Name & Address of recipient of Certificate of Compliance (Builder):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

The owner of this building or land hereby agrees to comply with applicable Federal, State and County Regulations and to apply for certificate of Compliance at Completion. This does not imply approval of other Governmental Agencies or Compliance with private deed restrictions.

Signature of Applicant: [signature]

Permit Fee: 1245.00 TD

Phone No. 398-9166

Date Issued: 6-17-99

ZONING AND BUILDING PERMIT will expire one (1) year from date of issue. Permit may be renewed if construction has begun and continued in a normal manner and not discontinued for reasons other than those beyond the permit holder's control. Grading or surface shaping of the site shall not be considered as "actual construction". Permit must be renewed prior to expiration date.

ASSESSORS AND INSPECTORS RIGHT TO GO ON PREMISES TO ASSESS AND INSPECT PROPERTY: The owner or owners of these premises do hereby consent to the Board of Assessment and Planning and Zoning Agents and Building Code Officials to enter upon and premises during the construction for which this PERMIT is granted, or within a reasonable time thereafter, for the purpose of assessing and inspecting said property, said consent being given on the signing of this permit.

THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION APPROVAL OF THIS PERMIT APPLICATION PERTAINS ONLY TO COMPLIANCE WITH SUSSEX COUNTY ZONING ORDINANCES. IT IS NOT TO BE CONSTRUED AS AN ALL INCLUSIVE APPROVAL FOR THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES, WHICH MAY PERTAIN TO THIS SITE.

A8

Tab “11”

PROPOSED FINDINGS OF FACTS
C/Z 1913

1. This is an application to amend the comprehensive zoning map from AR-1 (Agricultural Residential District) to HI-1 (Heavy Industrial District) for 3.60± acres located in Dagsboro Hundred, Sussex County, being situated along the west side of Thorogoods Road (County Road 333), known as 30512 and 30540 Thorogoods Road, also being known and designated as Sussex County Tax District 233, Map 5.00, Parcel 70.00.

2. The applicant and owner of the property is FW & SV Thoroughgood Family Limited Partnership, a Delaware limited partnership.

3. The property is improved and is currently used as a truck repair/mechanics shop.

4. The current use is conducted pursuant to Ordinance No. 1039 adopted by Sussex County Council on June 27, 1995, which ordinance adopted Conditional Use No. 1120 for the Thoroughgoods to operate a family-run truck repair shop. The family's goal is to be able to expand and lease portions of the property for similar uses but this is limited by the stipulations and conditions imposed through Conditional Use No. 1120.

5. In the 2019 Sussex County Comprehensive Plan update, the property is identified for purposes of future land use as being in a Developing Area. The property to the east is also designated as a Developing Area. The properties to the north and west are designated on the Future Land Use Map as being within an Industrial Area. The property to the south is designated on the Future Land Use Map as being within the Coastal Area. All of these areas are Growth Areas within the County's Comprehensive Plan. The Developing Area in which this property is located is a Growth Area and Table 4.5-2 titled "Zoning Districts Applicable to Future Land Use Categories" identifies HI-1 (Heavy Industrial District) as an applicable zoning district for the Developing Area.

6. The guidelines for future growth in the Developing Area states within the permitted uses for this Area that "[p]ortions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks."

7. The property is situated between existing industrial uses, an active railroad and Thorogoods Road. The immediate area has only a few homes.

8. The 2020 Delaware Strategies for State Policies and Spending identify the property as Investment Level 2, which are areas that "have been shown to be the most active portion of Delaware's developed landscape" where "state investments and policies should support and encourage a wide range of uses" and "is the priority for job creation and retention."

9. The purpose of the HI-1 (Heavy Industrial District) is to "provide for a variety of industrial operations" as "[i]t is the intention of the district to preserve the land in the district for industrial use and to exclude new residential or commercial development, except for certain specified uses deemed appropriate adjuncts to industrial operations." The existing and intended use of the property is consistent with these permitted uses. This is also consistent with the immediately adjacent properties.

10. The Zoning Code protects adjacent properties from "potentially hazardous industries" which are only permitted after a separate public hearing before the Board of Adjustment.

11. The Site is not within a floodplain based upon FEMA Map Number 10005C0459K, dated March 16, 2015, showing the entire property as located in an area designated as Zone "X" (unshaded), which is an area determined to be outside the 500-year floodplain.

12. There are no wetlands located on the property.

13. In the immediate area there are asphalt and concrete industrial operations.

14. The proposed conditional use will not increase the congestion of roads or streets as confirmed by DelDOT, which did not require a Traffic Impact Study or Traffic Operations Analysis and determined that the property's impact would be "negligible" on the adjacent roads. More specifically, DelDOT reviewed the application and issued a letter stating that the proposed land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, which is below the warrants when a Traffic Impact Study is required. In addition, DelDOT's review stated that it considered the application's traffic impact to be "negligible" in the context of DelDOT's agreement with Sussex County regarding land development coordination. Further, any future site plan will require DelDOT review and approval to provide for safe vehicular and pedestrian movement within the site and entrance approval for access onto Thorogoods Road.

15. The property is served by private (on-site) wells for domestic use and fire protection subject to the review and approval of the Delaware State Department of Natural Resources and Environmental Control (DNREC) and the Delaware Division of Public Health.

16. The property is served by a private (on-site) wastewater disposal system subject to the DNREC's regulations governing the design, installation and operation of on-site wastewater treatment and disposal systems.

17. As a part of site plan approval for any future use or redevelopment, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from any land disturbance activity on site.

18. The proposed HI-1 (Heavy Industrial District) zoning classification is in character with the nature of the area, will not adversely affect the neighboring and adjacent properties, and is consistent with the purpose of the HI-1 zoning district.

19. The proposed zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.

20. All factors have been considered and the proposed HI-1 (Heavy Industrial District) classification meets the purposes and goals of the County's Comprehensive Plan and its Zoning Code. The addition of areas for industrial and adjunct uses permitted in the HI-1 (Heavy Industrial District) zoning district is appropriate for and consistent with this area along Thorogoods Road where these industries already exist. As a result, the proposed HI-1 (Heavy Industrial District) classification is consistent with the Sussex County Comprehensive Land Use Plan.

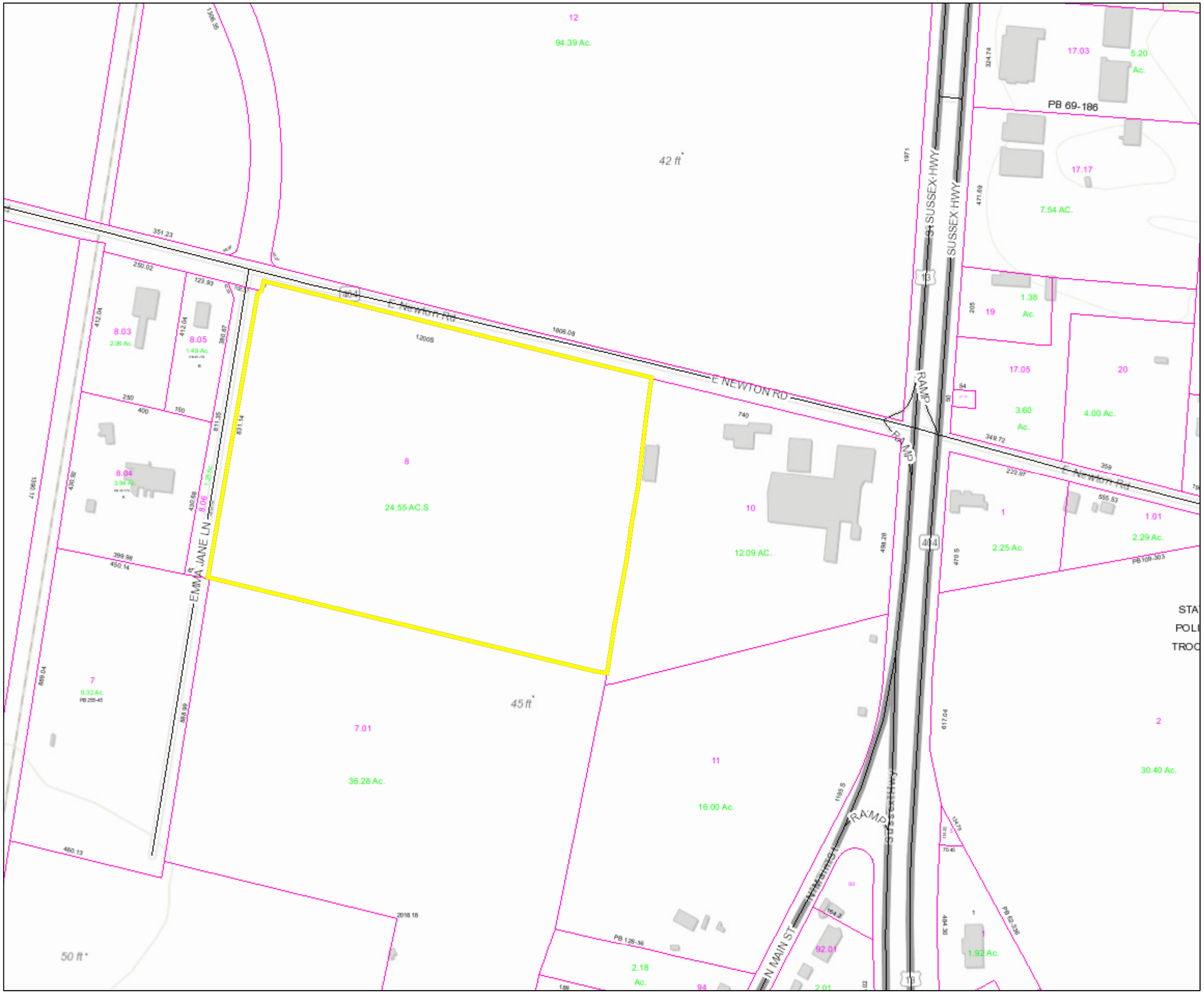
PLANNING & ZONING COMMISSION
ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE

Sussex County
DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 10th, 2020

Application:	CZ 1919 Newton Farms, LLC
Applicant/Owner:	Newton Farms, LLC 16536 Sussex Highway Bridgeville, DE 19933
Site Location:	On the south side of E. Newton Road, approximately 791 ft. west of Sussex Highway (Route 13).
Current Zoning:	C-1 (General Residential District)
Proposed Zoning:	LI-2 (Light Industrial District)
Comprehensive Land Use Plan Reference:	Developing Area
Councilmatic District:	Mr. Vincent
School District:	Woodbridge School District
Fire District:	Bridgeville Fire Department
Sewer:	Private (On-site)
Water:	Private (On-site)
Site Area:	23.7021 acres +/-
Tax Map ID.:	131-6.00-8.00

Sussex County



PIN:	131-6.00-8.00
Owner Name	NEWTON FARMS LLC J CONAWAY E MCSOPDDEN
Book	2885
Mailing Address	PO BOX 397
City	BRIDGEVILLE
State	DE
Description	S/RT 584
Description 2	750'W/RT 13
Description 3	FX
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

Streets

County Boundaries

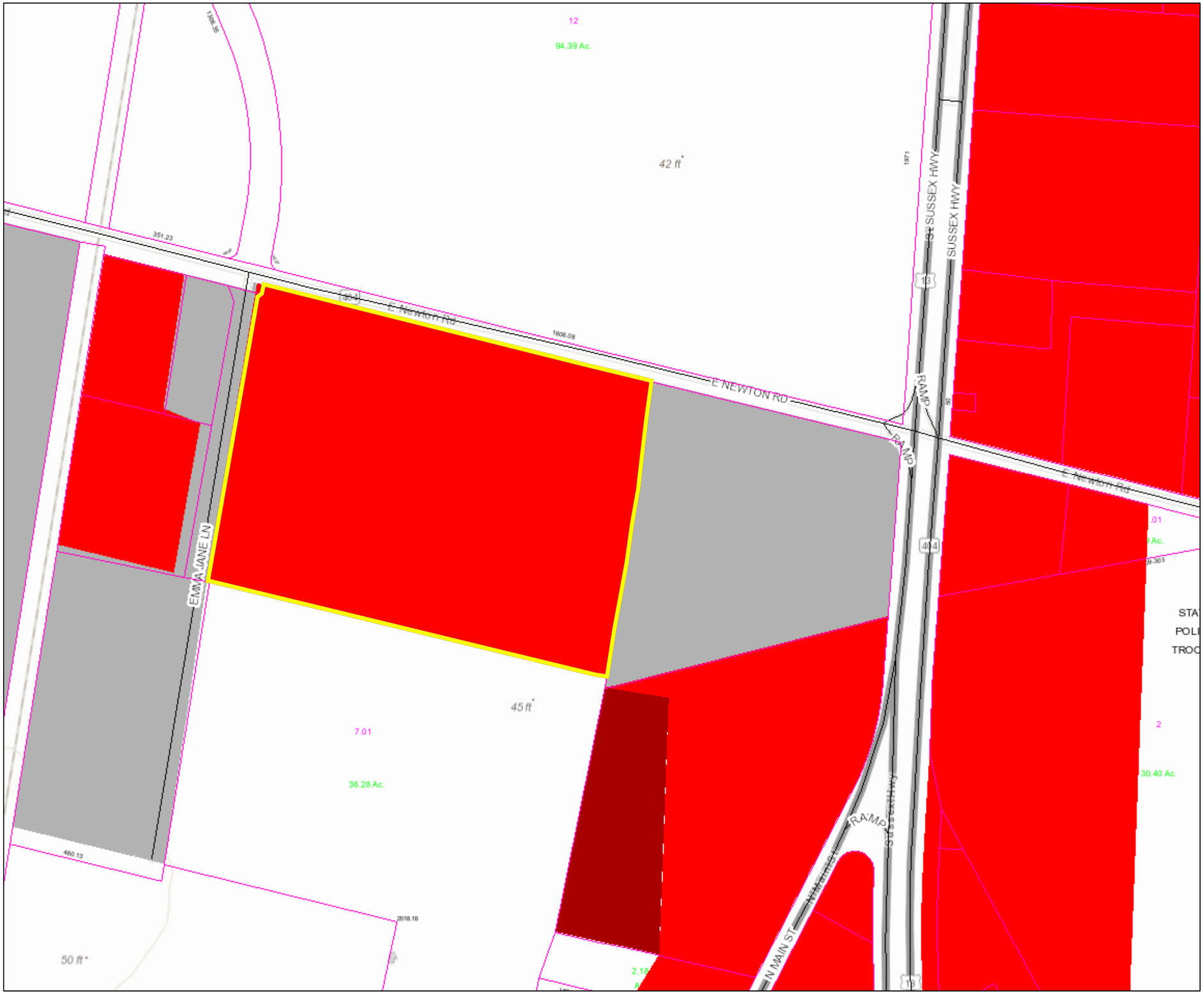
1:4,514

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

June 9, 2020

Sussex County



PIN:	131-6.00-8.00
Owner Name	NEWTON FARMS LLC J CONAWAY E MCSOPDDEN
Book	2885
Mailing Address	PO BOX 397
City	BRIDGEVILLE
State	DE
Description	S/RT 584
Description 2	750'W/RT 13
Description 3	FX
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

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Tax Parcels

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County Boundaries

1:4,514

0 0.05 0.1 0.2 mi

0 0.075 0.15 0.3 km

June 9, 2020

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 25, 2020
RE: Staff Analysis for CZ 1919 Newton Farms, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1919 Newton Farms, LLC to be reviewed during the September 10, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 131-6.00-8.00 to allow for a change of zone from a General Commercial (C-1) Zoning District to a Light Industrial (LI-2) District. The parcel is located on the south side of E. Newton Road, approximately 791 feet west of Sussex Highway (Route 13). The size of the property is approximately 23.7021 acres +/-

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has the land use designation of "Developing Area." The properties to the east on the other side of Sussex Highway (Route 13) are also designated as "Developing Areas."

"Developing Areas" are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of "Developing Areas" with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The properties to the north, south, east and west of the subject site are designated "Industrial Areas." Industrial Areas are lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporate a combination of light industry and other business uses. Large, more intensive stand-alone industrial uses should also be directed to these areas.

Additionally, the subject property is zoned General Commercial (C-1) Zoning District. The properties to the east and west are zoned Light Industrial (LI-2) Zoning District. The properties to the north and south are zoned Agricultural Residential (AR-1) Zoning District.

Although the Light Industrial (LI-2) Zoning District is not listed as an applicable zoning district for "Developing Areas" under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan, it is listed as an applicable zoning district for "Industrial Areas." The adjacent parcels to the north, south, east and west of the subject parcel are designated as "Industrial Areas" of which the Light Industrial (LI-2) Zoning District is an applicable zoning district.

Since 2011, there has been one Change of Zone application proposed within a one-mile radius of the application site. This application is for Change of Zone (C/Z 1826) to facilitate a change of zone from an Agricultural Residential (AR-1) Zoning District and General Commercial (C-1) Zoning District to a Commercial Residential (CR-1) Zoning District.

Based on the analysis of the surrounding zoning and uses, a Change of Zone to Light Industrial (LI-2) in this location, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: C2 1919
202001083

Planning & Zoning Commission Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)
Conditional Use ___
Zoning Map Amendment ✓

Site Address of Conditional Use/Zoning Map Amendment

8600 E Newton Rd, Bridgeville, DE

Type of Conditional Use Requested:

Not applicable.

Tax Map #: 131-6.00-8.00 **Size of Parcel(s):** 23.7021 ACRES

Current Zoning: C-1 **Proposed Zoning:** LI-2 **Size of Building:** 72,000 SF

Land Use Classification: Developing Area

Water Provider: N/A (on-site well) **Sewer Provider:** N/A (on-site system)

Applicant Information

Applicant Name: Newton Farms, LLC
Applicant Address: 16536 Sussex Highway
City: Bridgeville State: DE ZipCode: 19933
Phone #: (302) 542-8767 E-mail: rob.riderjr.@oanewton.com

Owner Information

Owner Name: Newton Farms, LLC
Owner Address: 16536 Sussex Highway
City: Bridgeville State: DE Zip Code: 19933
Phone #: (302) 542-8767 E-mail: rob.riderjr.@oanewton.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. | Morris James LLP
Agent/Attorney/Engineer Address: 107 W. Market Street
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 856-0015 E-mail: dhutt@morrisjames.com

EQUAL HOUSING OPPORTUNITY

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

✓ **Completed Application**

✓ **Provide eight (8) copies of the Site Plan or Survey of the property**

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

✓ **Provide Fee $500.00**

___ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

___ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

✓ **DelDOT Service Level Evaluation Request Response**

___ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on by behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney

_____ Date: 1/27/2020

Signature of Owner

_____ Date: 1/20/2020

For office use only:

Date Submitted: 1/30/2020 Fee: $500.00 Check #: 1106

Staff accepting application: cah Application & Case #: 202001083

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____

Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33016587-0005 Megan D. 01/30/2020 09:23AM

PERMITS / INSPECTIONS
CHANGE OF ZONE - FEE
2020 Item: 202001083|Z015 500.00

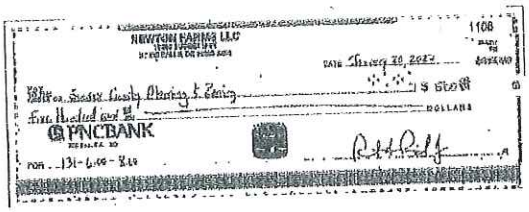
500.00

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number001106

Change due 0.00

Paid by: NEWTON FARMS LLC



Thank you for your payment

CUSTOMER COPY

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

January 2, 2020

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Robert F. Rider, Jr.** rezoning application, which we received on December 3, 2019. This application is for an approximately 24.55-acre parcel (Tax Parcel: 131-6.00-8.00). The subject land is located on the south side of Newton Road (Sussex Road 582), approximately 800 feet west of the intersection of US Route 13 and Newton Road, north of the Town of Bridgeville. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to LI-2 (Light Industrial) to develop a 72,000 square-foot sheet metal and metal fabrication facility with associated office space.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Newton Road where the subject land is located, which is from Delaware Route 404 to US Route 13, are 6,888 and 8,865 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per weekly peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of $10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.

Our review of the trip generation information provided by the applicant's engineer indicates that the proposed 72,000 square-foot sheet metal and metal fabrication facility

would generate 204 vehicle trips per day, 100 vehicle trips during the morning peak hour, and 100 vehicle trips during the evening peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be $2,040.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a Traffic Operational Analysis (TOA), if one is found to be necessary during the site plan review process.

On September 9, 2019, DelDOT issued an Area Wide Study Fee (AWSF) letter for a 67,500 square-foot metal fabrication facility on the subject parcel in the amount of $2,040.00. While the proposed square-footage on the subject application is more than the 67,500 square-foot facility indicated in the AWFS letter, we do not anticipate an increase in the above-mentioned trip generation. A copy of the AWSF letter is enclosed with this letter.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr.

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jamie Whitehouse, Planning & Zoning Manager, Sussex County Planning & Zoning
Robert F. Rider, Jr, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

MEMORANDUM

TO: Susanne Laws, Sussex Review Coordinator

FROM: Troy Brestel, Project Engineer TEB

DATE: September 9, 2019

SUBJECT: **MillerMetal Fabrication Facility – (Protocol Tax Parcel #131-6.00-8.00)**
Area Wide Study Fee and Off-site Improvements

The subject development meets DelDOT's volume warrants to pay the Area Wide Study Fee in lieu of doing a Traffic Impact Study (TIS). This memorandum is to address the amount of that fee and the off-site improvements that should be required of the developer in the absence of a TIS. The fee and improvements presented below are an alternative to the developer doing a TIS and the improvements identified through DelDOT's review of that study.

1) The proposed development consists of a 67,500 square foot fabrication facility. Per review of information supplied by the developer, we have determined that the proposed development would generate 204 daily trips and 100 hourly trips for both the a.m. and p.m. peak hours. The fee is calculated at ten dollars per daily trip. For the proposed development, the fee would be $2,040.00.

2) There are no off-site improvements that the developer will be required to make or participate in.

If you have any additional questions or comments, please let me know.

TB:km
cc: Marty Miller, MillerMetal Fabrication, Inc.
Dave Heatwole, Scaled Engineering, Inc.
J. Marc Coté, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Peter Haag, Traffic Studies Manager, Traffic, DOTS
Gemez Norwood, South District Public Works Manager, South District, DOTS
Derek Sapp, Subdivision Manager, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING DIVISION
C/U & C/Z COMMENTS

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/24/2020**

APPLICATION: **CZ 1919 Newton Farms LLC**

APPLICANT: **Newton Farms LLC**

FILE NO: **WS-4.06**

TAX MAP & PARCEL(S): **131-6.00-8.00**

LOCATION: **On the south side of E. Newton Road, approximately 791 feet west of Sussex Highway (Rt. 13).**

NO. OF UNITS: **Upzone from C-1 to LI-1**

GROSS ACREAGE: **23.7021**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

SEWER:

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐ No ☒

a. If yes, see question (2).
b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 2**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **No** If yes, the current System Connection Charge Rate is **Unified $6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed Change of Zone is in a Tier 2 area for sanitary sewer service. However, the Sussex County Engineering Department does not currently have a schedule to provide sanitary sewer service.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:

John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
No Permit Tech Assigned

Attn: Jamie Whitehouse, Director
Sussex County Planning and Zoning
2 The Circle
P.O. Box 589
Georgetown, DE 19947

RE: Change of Zone No. 1919
Newton Farms, LLC
Sussex County Tax Parcel No. 131-6.00-8.00

Dear Mr. Whitehouse,

I support the rezoning for Newton Farms parcel no. 131-6.00-8.00

It is my understanding that this rezoning will be used for a new plant/building, and I support this because it will bring the need for a bigger work force to the area along with more traffic which will benefit local business(es)

Newton Farms has been in and a part of the community for longer than I can remember, and I have been neighbors to Newton Farms for over 16 years with not a single complaint and would love to see and help their growth

Name: James Weller III

Address: 16889 N Main St
Bridgeville, DE 19933

Date: September 10, 2020

A.C. Schultes of Delaware, Inc.
P.O. Box 188 * 16289 Sussex Highway
Bridgeville, DE 19933
24 Hour Service
(302) 337-8254
Fax (302) 337-8234

RECEIVED

SEP 10 2020

SUSSEX COUNTY
PLANNING & ZONING

September 8, 2020

E-MAILED

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
#2 The Circle
P. O. Box 589
Georgetown, DE 19947

RE: CHANGE OF ZONE #1919
NEWTON FARMS, LLC
SUSSEX COUNTY TAX PARCEL #131-6.00-8.00

Dear Mr. Whitehouse:

A.C. SCHULTES OF DELAWARE, INC. supports the Special Use Exception for the new Miller Metal Fabrication facility located on Newton Road, Sussex Cunty Tax Parcel #131-6.00-8.00. The facility will be located on a road that already has several commercial and industrial buildings and the addition of their facility should not adversely affect property values in the area.

Should you have any questions regarding our support, please contact me at 302-337-8254.

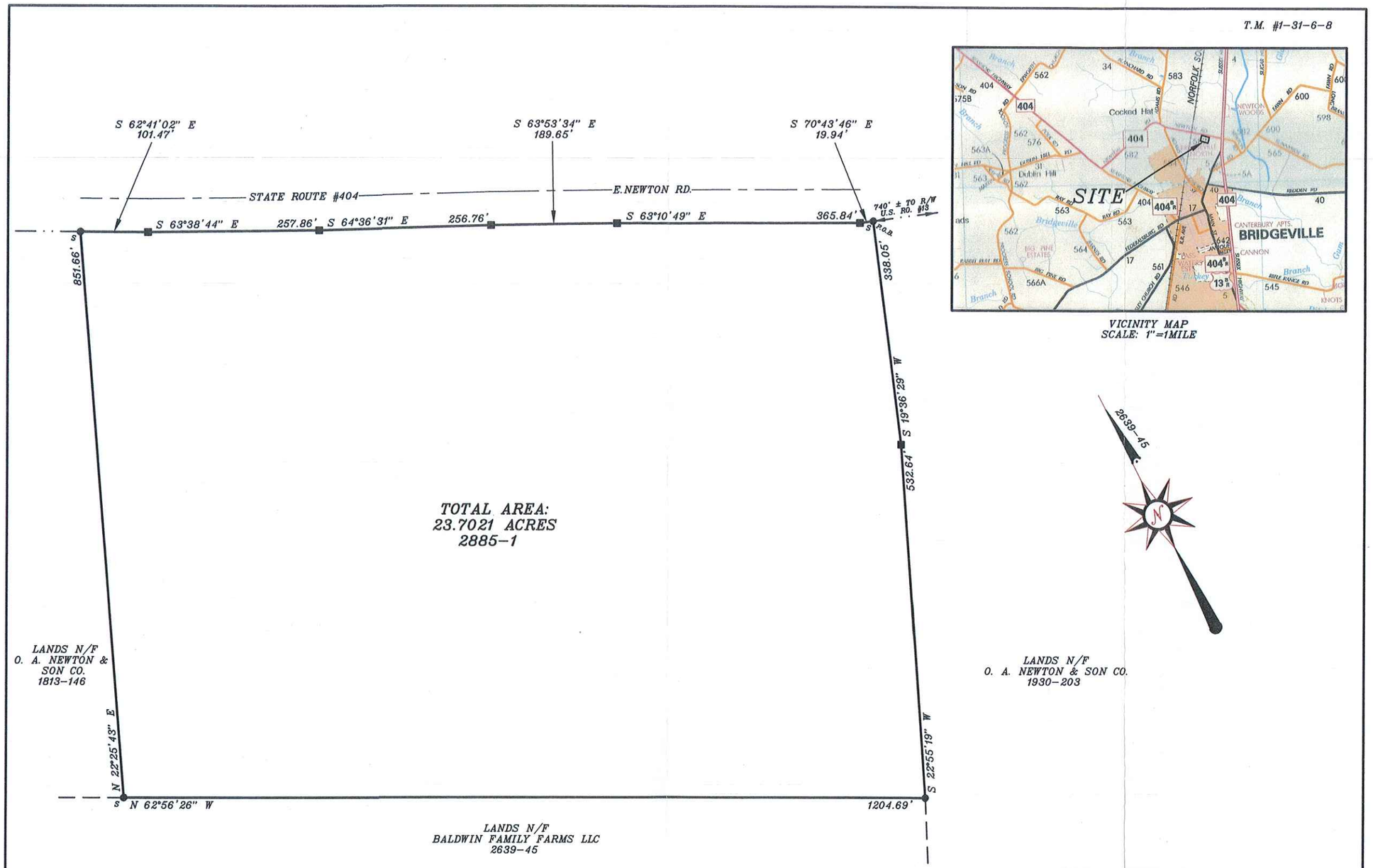
Respectfully,

A.C. SCHULTES OF DELAWARE, INC.

R. Michael Collison
President

RMC/bh

T.M. #1-31-6-8



PROPERTY SURVEY FOR
NEWTON FARMS LLC.

SCALE: 1"=100'

SUBURBAN SURVEY

MILLER LEWIS, INC.
LAND SURVEYING
34313 PEPPERS CORNER RD.
FRANKFORD, DELAWARE 19945

DONALD K. MILLER REGISTERED No. 497 PROFESSIONAL LAND SURVEYOR
JANUARY 23, 2007

HUNDRED	COUNTY
NORTHWEST FORK	SUSSEX
STATE	DRAWN BY
DELAWARE	D.K. MILLER
REF.	DWG. NO.
2885-1	1-31-6-8

Newton Farms, LLC

Change of Zone No. 1919

Newton Farms, LLC
16536 Sussex Highway
Bridgeville, DE 19933

SCTP No: 131-6.00-8.00
8600 E. Newton Road
Bridgeville, DE

David C. Hutt, Esquire
Morris James LLP

Public Hearings:

Planning Commision	09/10/2020
County Council	10/06/2020

Table of Contents

Tab “1”

File #: _____

Planning & Zoning Commission Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

RECEIVED
JAN 30 2020
SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)
Conditional Use ___
Zoning Map Amendment ✓

Site Address of Conditional Use/Zoning Map Amendment
8600 E Newton Rd, Bridgeville, DE

Type of Conditional Use Requested:
Not applicable.

Tax Map #: 131-6.00-8.00 **Size of Parcel(s):** 23.7021 ACRES

Current Zoning: C-1 **Proposed Zoning:** LI-2 **Size of Building:** 72,000 SF

Land Use Classification: Developing Area

Water Provider: N/A (on-site well) **Sewer Provider:** N/A (on-site system)

Applicant Information

Applicant Name: Newton Farms, LLC
Applicant Address: 16536 Sussex Highway
City: Bridgeville State: DE ZipCode: 19933
Phone #: (302) 542-8767 E-mail: rob.riderjr.@oanewton.com

Owner Information

Owner Name: Newton Farms, LLC
Owner Address: 16536 Sussex Highway
City: Bridgeville State: DE Zip Code: 19933
Phone #: (302) 542-8767 E-mail: rob.riderjr.@oanewton.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. | Morris James LLP
Agent/Attorney/Engineer Address: 107 W. Market Street
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 856-0015 E-mail: dhutt@morrisjames.com

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

✓ **Completed Application**

✓ **Provide eight (8) copies of the Site Plan or Survey of the property**

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

✓ **Provide Fee $500.00**

___ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

___ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

✓ **DelDOT Service Level Evaluation Request Response**

___ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on by behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney

_____ Date: 1/27/2020

Signature of Owner

_____ Date: 1/20/2020

For office use only:

Date Submitted: _____ Fee: $500.00 Check #: _____

Staff accepting application: _____ Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____

Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33016587-0005 Megan D. 01/30/2020 09:23AM

PERMITS / INSPECTIONS
CHANGE OF ZONE - FEE
2020 Item: 202001083|Z015 500.00

500.00

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number001106

Change due 0.00

Paid by: NEWTON FARMS LLC

Thank you for your payment

CUSTOMER COPY

January 25, 2020

Miller-Lewis, Inc. Land Surveying
1560 Middleford Road Seaford DE 19973

LEGAL DESCRIPTION OF LANDS OF
NEWTON FARMS, LLC
TM# 1-31-6-8

All that certain piece, parcel and tract of land lying and being situate in Northwest Fork Hundred, Sussex County and State of Delaware, being the lands of Newton Farms, LLC as designated on a survey plat prepared by Miller-Lewis, Inc., dated January 23, 2007 and more particularly described, as follows:

BEGINNING at an iron pipe set on the southwesterly right-of-way line of State Route #404 (also known as East Newton Road), said pipe being situate westerly 740 feet more or less from the right-of-way line of U.S. Route #13; thence with lands now or formerly of O. A. Newton & Son Co. the following two (2) courses and distances: 1) South 19°-36'-29" West a distance of 338.05 feet to a concrete monument found; 2) South 22°-55'-19" West a distance of 532.64 feet to a disturbed iron pipe found; thence with lands now or formerly of Baldwin Family Farms LLC North 62°-56'-26" West a distance of 1,204.69 feet to an iron pipe set; thence with lands now or formerly of O. A. Newton & Son Co. North 22°-25'-43" East a distance of 851.66 feet to an iron pipe set; thence with said right-of-way line the following six (6) courses and distances: 1) South 62°-41'-02" East a distance of 101.47 feet to a concrete monument found; 2) South 63°-38'-44" East a distance of 257.86 feet to a concrete monument found; 3) South 64°-36'-31" East distance of 256.76 feet to a concrete monument found; 4) South 63°-53'-34" East a distance of 189.65 feet to a concrete monument found; 5) South 63°-10'-49" East a distance of 365.84 feet to a concrete monument found; 6) South 70°-43'-46" East a distance of 19.94 feet home to the point and place of beginning said to contain 23.7021 acres of land, more or less.

Donald K. Miller, PLS #407

Tab “2”

56030

BK 02885 PG 001

Tax Map 1-31-6.00,
Parcels 1.00, 8.00 and 12.00;

Tax Map 1-31-10.00, Parcel 12.00;

Tax Map 5-30-6.00,
Parcels 12.00, 17.00 and 21.00

PREPARED BY AND RETURN TO:
Wilson, Halbrook & Bayard, P.A.
P.O. Box 690, Georgetown, DE 19947

NO TITLE OR LIEN SEARCH REQUESTED AND NONE PERFORMED

DEED

THIS DEED, made this 15th day of September, A.D., 2003,

B E T W E E N,

PNC BANK, DELAWARE, (formerly Bank of Delaware) a Corporation of the State of Delaware, and ROBERT F. RIDER, as Co-Trustees under the Will of Warren C. Newton, and ROBERT F. RIDER, as Trustee under the Will of Elizabeth Newton, and Robert F. Rider, Trustee, under Order of the Court of Chancery dated January 7, 2003, in In the Matter of Newton Farms, Incorporated, C.A. No. 2246-S, parties of the first part, Bridgeville, Delaware 19933, parties of the first part, Grantors ("Grantors"),

A N D

Newton Farms, L.L.C., a Delaware Limited Liability Company, of P.O. Box 397, party of the second part, Grantee ("Grantee"),

W I T N E S S E T H:

That the Grantor, for and in consideration of the sum of One Dollar ($1.00), and other valuable and lawful considerations, currently lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the Grantee, as its heirs, successors and assigns forever,

TRACT NO. 1

Consideration:	$0.00	Exempt Code: A
County	State	Total
0.00	0.00	0.00
counter	Date: 09/17/2003	

All that certain piece or parcel of land situated in Northwest Fork Hundred, Sussex County, and State of Delaware, more particularly described as follows: Bounded on the West by the concrete highway leading from Bridgeville to Woodenhawk, on the North by lands now or formerly of Joshua T. West, other lands now or formerly of Warren C. Newton and lands now or formerly of H.P. Cannon Farms, Inc. on the East by lands now or formerly of H.L. Cannon and lands now or formerly of George W. Willin, and on the South by an improved slag highway leading from the Bridgeville-Woodenhawk concrete highway to Cocked Hat together with all and singular the buildings and other improvements and appurtenances thereunto belonging, containing two hundred and twenty-two (222) acres, twenty-nine (29) perches of land, more or less;

RESERVING, THEREFROM, HOWEVER, ALL that certain tract, piece or parcel of land situate in said Hundred, County and State, beginning at a point in the center of Road No. 582 and running in a Northerly direction with the center of a lane or roadway leading past Elizabeth E. Newton six hundred twenty-five (625) feet to a pipe in the center of said lane or roadway; thence turning and running in a Southwesterly direction a distance of eight hundred thirty-two (832) feet, more or less, to the center of a ditch known as Prong No. 2 of the Bridgeville Branch Tax Ditch; thence running in part with the center of the present said ditch and in part with the center of the proposed re-construction of said ditch, in a Southeasterly direction a distance of six hundred three (603) feet to the center of Road No. 582; thence turning and running with the center of said Road No. 582 in an Easterly direction a distance of seven hundred ten (710) feet, back to the place of beginning, be the contents thereof whatsoever they may, together with improvements consisting of a home and a combined garage and workshop thereon erected.

EXCEPTING, THEREFROM, HOWEVER, the following conveyances away by Warren C. Newton and wife: Deed to William R. Conaway, dated December 31, 1962, recorded in Deed Book 553, Page 274, 17,500 square feet of land, more or less: Deed to O.A. Newton & Son Company, dated February 25, 1947, recorded in Deed Book EMK, Vol. 371, Page 32, 6.55 acres and 11.65 acres of land, more or less: Deed to J.N. Conaway dated December 31, 1956, recorded in Deed Book 469, Page 88, ½ interest in 26,250 square feet of land, more or less; Deed to J.N. Conaway, February 28, 1957, recorded in Deed Book 474, Page 377, ½ interest in 26,250 square feet of land, more or less: Deed to William R. Conaway, dated January 21, 1964,

recorded in Deed Book 572, Page 46, 6,000 square feet of land, more or less: Deed to State of Delaware dated April 2, 1959, recorded in Deed Book 505, Page 160, Parcel No. 3 - .1209 of an acre of land more or less, and .3913 of an acre of land, more or less, of Parcel No. 2.

TRACT NO. 2

ALL that certain piece or parcel of land situate, lying and being in Northwest Fork Hundred, Sussex County, State of Delaware, beginning for the metes and bounds thereof at a stone, a corner for this land and other lands now or formerly of Warren C. Newton, and lands now or formerly of Oliver A. Newton and runs with the lands now or formerly of O. A. Newton, North 36 degrees East 13 7/10 perches to a stone; thence with a line North 36 ½ degrees West 44 6/10 perches to the center of a ditch small marked Spruce pine standing on the South bank of a ditch; thence with the center of said ditch South 55 degrees West 16 3/10 perches to the lands now or formerly of Warren C. Newton; thence binding with same South 41 ½ degrees East 50 perches to the place of beginning, containing four and three-eights (4 3/8) acres of land, be the same more or less.

TRACT NO. 3

ALL that certain tract, piece or parcel of land, situate, in Northwest Fork Hundred, Sussex County, and State of Delaware, adjoining lands now or formerly of H.P. Cannon, O.A. Newton and Joshua T. West, more particularly described as follows, viz:

BEGINNING at a corner for lands now or formerly of J.T. West and H.P. Cannon and running with the lands of said Cannon North 41 ½ degrees West 88.7 perches to a stone; thence with South edge of Public Road and other lands now or formerly of J.T. West South 49 ½ degrees West 34.8 perches to a stone; thence South 60 degrees East 15.6 perches to a stone; thence South 34 ½ degrees East 49.6 perches to a stone, North 56 degrees East 10 ½ perches to stone, South 35 ½ degrees East 26.5 perches to a sassafras tree in line of lands now or formerly of O.A. Newton; thence with same North 48 degrees East 12.8 perches to a stone; thence North 35 degrees East 15 perches to the place of beginning, containing seventeen (17) acres and thirty-six (36) square perches, be the same more or less, as surveyed January 13, 1926.

TRACT NO. 4

ALL that certain tract, piece or parcel of land, situate, lying and being in North West Fork Hundred, Sussex County, State of Delaware, more particularly bounded and described as follows, to wit:

COMMENCING at an iron stake on the South side of a private road and running South 16 ¾ degrees West 125 rods to a stone; thence turning and running along and with the lands now or formerly of Oliver A. Newton North 79 ½ degrees West 134 ½ rods to a red oak stump; thence turning and running along and with lands now or formerly of Elwood Rust, formerly belonging to H.P. Cannon Farms Company, Inc., North 36 ¾ degrees East 113 rods to an iron spike in the aforementioned road; thence turning and running with said road South 87 ½ degrees East 114 ½ rods, home to the place of beginning, containing ninety (90) acres of land, more or less.

TRACT NO. 5

ALL that certain tract of land, situated in Northwest Fork Hundred, Sussex County, Delaware, described as follows:

BEGINNING in the center of a public road leading from Cocked Hat to lands now or formerly of Oliver A. Newton, in line with a stake on the North of said road; thence North with lands now or formerly of Luther Rust, North 38½ degrees West 130.1 perches to a stone in the line of lands now or formerly of Warren C. Newton; thence with said lands now or formerly of Warren C. Newton and lands now or formerly of Oliver A. Newton, South 15 ½ degrees West 54.4 perches to a stone; thence South 70 ½ degrees West 14.4 perches to a stone; thence South 09 degrees West 58.6 perches; thence South 36 ¾ degrees East 58.4 perches to the middle of said public road; thence with the middle of said public road North 54 degrees East 108.5 perches to the place of beginning, containing sixty-three and one quarter (63 ¼) acres of land, more or less.

LESS the following described parcel that was conveyed from the above tract by a Deed from G.W. Willin to Percy E. Hopkins, Sr. in October, 1946; Beginning in the center of the private road and runs with the same North 38 degrees West 415 feet to a stake, South 55 degrees West 105 feet to a stake, South 38 degrees East 415 feet to a stake at the Public Road; thence with the road North 55 degree East 105 feet to the place of beginning, containing one (1) acre of

land, be it the same more or less.

TRACT NO. 6

ALL that certain piece and parcel of land situate and being in Northwest Fork Hundred, Sussex County, State of Delaware, more particularly described as follows:

BEGINNING at the intersection of the road leading from Bridgeville to Trinity M.E. Church and other lands now or formerly of Hardy E. Bennett; thence by and with the line of said Bennett lands in an Easterly direction to a ditch; thence by and with the meanderings of said ditch in a Northerly direction to the lands now or formerly owned by O.A. Newton; thence by and with the line of said Newton lands in a westerly direction to the road leading from Bridgeville to Trinity M.E. Church; thence by and with said road in a Southerly direction to the place of beginning, containing approximately nine (9) acres, be the same more or less.

A portion of the land containing 92,050 square feet of land was conveyed from the said tract of land by a Deed of Warren C. Newton and Elizabeth E. Newton, his wife, to Dorothy N. Porteus dated the 26th day of Mary, 1952, and filed for record in the Office of the Recorder of Deeds in Deed Record No. 414, Page 208. The said lot of land was thereafter reconveyed by a Deed of Dorothy N. Porteus etal., to Newton Farms, Incorporated.

EXCEPTING THEREFROM, HOWEVER, Deed to State of Delaware dated April 2, 1959, recorded in the aforesaid Recorder of Deeds Office in Deed Book Vol. 505, Page 160, Parcel No. 1 - .1376 of an acre, more or less, and .0272 of an acre, more or less, of Parcel No. 2; Deed to Church of God dated June 6, 1960, recorded in aforesaid Recorder of Deeds Office in Deed Book Vol. 535, Page 323, 20,670 square feet of land.

TRACT NO. 7

ALL those two (2) certain tracts, pieces or parcels of land more particularly described as follows, to wit:

TRACT NO. 1 - ALL that certain tract of land designated as Tract Number Two in the proceedings of Baltimore Trust Company, Administrator of Philip H. Willey, deceased, to sell lands of Philip H. Willey, deceased, for the payment of his debts as will by

reference being thereunto had more fully appear. The aforesaid tract Number Two being situate in Northwest Fork Hundred, Sussex County, Delaware, adjoining lands now or late of Eugene Smith, Sarah Trout, Oliver A. Newton and lands formerly of Daniel F. Ball, containing twenty-eight (28) acres of land, more or less.

TRACT NO. 2 - ALL that certain tract, piece or parcel of land situate, lying and being in Northwest Fork Hundred, Sussex County and State of Delaware, adjoining lands now or formerly of Philip H. Willey, Philip L. Cannon, and others, more particularly described as follows, to wit:

BEGINNING at a stone, a corner for these lands and lands of said Philip H. Willey, said stone being in the edge of the public road leading from "Cocked Hat" to the road leading from Bridgeville to Dublin Hill; thence along and with said public road first named, North 57 degrees East 122.2 perches to a stone; thence still along and with said public road North 51 ½ degrees East 37 perches to a stone, a corner for these lands and lands now or formerly of Philip L. Cannon; thence turning and running with the lands now or formerly of said Philip L. Cannon South 31 ½ degrees East 72.7 perches to a stone, a corner for these lands and for other lands now or formerly of Dorothy Newton Porteus, et vir; thence turning and running with a line dividing these lands from lands now or formerly of Sarah Trout South 57 degrees 09 minutes West one hundred sixty-five (165) perches to the line of the lands now or formerly of said Philip H. Willey; thence turning and running with said Willey's land North 27 ½ degrees West 68.7 perches, home to the place of beginning, containing seventy (70) acres of land, be the same, more or less.

EXCEPTING, THEREFROM, HOWEVER, the following conveyance out of Tract No. 1 of this Tract No. 7 by Warren C. Newton and wife: Deed to State of Delaware, dated April 2, 1959, recorded in the aforesaid Recorder of Deeds Office in Deed Book Vol. 505, Page 160, being .3434 of an acre, more or less of Parcel No. 2.

TRACT NO. 8

ALL that certain tract of land situate in Northwest Fork Hundred, Sussex County, Delaware, described as follows:

BEGINNING at a point in the center of the public road leading from Cocked Hat to the Bridgeville-Dublin Hill Road; thence with

lands now or formerly of Oliver A. Newton South 31 degrees East 81.6 perches; thence South 74 ¼ degrees West 4.7 perches; thence South 19 ½ degrees East 24 perches; thence with lands now or formerly of George B. Ruos North 68 ½ degrees East 131.7 perches to the center of the public road leading from Bridgeville to Greenwood; thence therewith North 17 ¾ degrees West 102 perches; thence North 11 ½ degrees West 34 perches to the center of the first mentioned road; thence with the center of the first mention road South 58 degrees West 75.2 perches; thence South 54 degrees West to the place of beginning, containing one hundred four and one-half (104 1/2) acres of land, more or less.

TRACT NO. 9

ALL that certain tract, piece and parcel of land situated in Northwest Fork Hundred, Sussex County, State of Delaware, lying on the East side of the public highway leading from Bridgeville to Cocked Hat, bounded on the North by lands now or formerly of George B. Ruos, on the East by the Delaware Railroad, and on the South by lands now or formerly of Charles E. Brown, containing twenty-nine and four-tenths (29.4) acres of land, more or less.

EXCEPTING, THEREFROM, HOWEVER, the following conveyance away by Warren C. Newton and wife; Deed to O.A. Newton & Son Company dated September 18, 1947, recorded in the aforesaid Recorder's Office in Deed EMM, VOL. 373, Page 405, 5.95 acres.

TRACT NO. 10

ALL those two certain tracts of land situate in Northwest Fork Hundred, Sussex County and State of Delaware, lying on the Easterly side of the public road leading from Bridgeville to Greenwood by way of "Cocked Hat" and on both sides of the Delaware Railroad Company's right of way adjoining lands now or formerly of Agnews Ellen Butler, George V. Ruos, Mrs. Cahall, and Harry L. Cannon, more fully described as follows, to wit:

TRACT NO. 1 - Beginning for the outlines thereof in the center of the aforesaid public road from Bridgeville to Cocked Hat at a cement block on the east side of said road; thence with a line North 71-3/4 degrees East 96.2 perches to a stone in the West line of the aforesaid Railroad; thence with the same North 17 ¾ degrees East 37 perches to the center of the public road at Dale's Crossing thence with the center of the said road North 68 ½ degrees West

134.2 perches to the center of the public road from Bridgeville to Cocked Hat; thence with said road South 15 degrees East 116.5 perches to the place of beginning, containing 45 1/8 acres of land, more or less.

TRACT NO. 2 - A small tract on the East side of the Delaware Railroad, beginning in the center of the public road at Dale's Crossing and running thence with said Railroad line South 17 ¾ degrees West 54 perches; thence with lands now or formerly of George V. Ruos, North 86 degrees East 31 perches to lands now or formerly of Mrs. Cahall North 12 ½ degrees East 30 perches to the Polk Lot; thence North 68 ½ degrees West 8 perches to a stone; thence North 14 ½ degrees East 12 perches to the center of the public road; thence North 68 1/2 degrees West 18 perches to the place of beginning, containing 6 ¾ acres of land, more or less and making a total in the two tracts of 51-7/8 acres of land, more or less, according to survey and plot made December 18, 1936 by Clarence H. Melson, Surveyor.

EXCEPTING, THEREFROM, HOWEVER, the following conveyance away by Warren C. Newton and wife: Deed to George V. Ruos dated December 4, 1951, recorded in the aforesaid Recorder's Office in Deed Record 408, Page 439, 1.4 acres.

TRACT NO. 11

ALL that certain lot, piece or parcel of land lying and being in Northwest Fork Hundred, Sussex County, State of Delaware, more particularly bounded and described as follows, to wit:

COMMENCING at a point in the center of the public highway leading to Bridgeville, East of Dale's Crossing, and adjoining Lot now or formerly of Noah Kimmey; thence running with said lot and the lands now or formerly of Warren C. Newton and George Ruos South 12 degrees West 63 perches to a stone; thence turning and running with lands now or formerly of George Ruos South 79 ½ degrees East 69 perches to a stone; thence South 20 degrees West 7 ½ perches to a stake in the boundary line of the lands now or formerly of G. Dickerson; thence with said lands North 85 ¼ degrees East 51 8/10 perches to a stake; thence North 14 ¼ degrees East 32 2/10 perches to the center of said highway; thence North 68 ¼ degrees West 120 perches, home to the place of beginning, containing 32 ½ acres of land, more or less.

EXCEPTING, THEREFROM, HOWEVER, the following conveyances away by Warren C. Newton and Elizabeth E. Newton, his wife: Deed to O.A. Newton & Son Company dated February 7, 1947, recorded in the aforesaid Recorder's Office in Deed Book EMG, Vol. 367, Page 280, 76,800 square feet of land; Deed to O.A. Newton & Son Company dated January 5, 1955, recorded in the aforesaid Recorder's Office in Deed Book 442, Page 48, 45,700 square feet of land; Deed to O.A. Newton and Son Company dated January 27, 1958, recorded in the aforesaid Recorder's Office in Deed Book 483, Page 580, 75,670 square feet of land; Deed to George V. Ruos, dated December 4, 1951 and recorded in the aforesaid Recorder's Office in Deed Book 406, Page 439, 1.4 acres, more or less.

TRACT NO. 12

ALL that piece or parcel of land situate in Northwest Fork Hundred, Sussex County, State of Delaware, bounded as follows:

BEGINNING in the center of the County Road leading from Dale's Crossing on the Delaware Railroad to the mill formerly belonging to the late Governor William Cannon, deceased, and in the division line between Lizzie Cahall and John Sorden and thence running down said line 11.1 perches; thence parallel with the aforesaid County Road 7.2 perches; thence parallel with the aforementioned division line 11.1 perches to the center of the aforesaid County Road and thence with Center of said County Road to the place of beginning and containing one-half (1/2) acre of land, be the same more or less.

TRACT NO. 13

ALL those two several lots, pieces or parcels of land situated lying and being in Northwest Fork Hundred, Sussex County, Delaware, more particularly described as follows, to wit:

No. 1 - Beginning at a point in the eastern side of the Delaware Railroad, a corner for lands now or formerly of said Warren C. Newton and said George Ruos, the said beginning point being distant southerly along the Railroad Company's lands, 891 feet from the center line of a dirt road from Dale's Crossing to Cocked Hat (also from Dale's Crossing easterly to Route 13); thence along and with the Railroad lands, southerly one and three-quarters (1 ¾) feet to a corner; thence a line (forming an angle with Railroad of 94 degrees and 36 minutes when projected from North

toward East), or South 68 degrees and 10 minutes East, four hundred and sixty-four and three-quarters (464 ¾) feet; thence North 12 ½ degrees East 190 ¾ feet; thence in a Westerly direction along lands of said Newton to the place of beginning.

No. 2 - Beginning at a large stone, a corner for lands now or formerly of Warren C. Newton; thence with same South 20 degrees West 89 feet to a division line; thence with same North 68 degrees 10 minutes West, 426 feet, or such distance as will reach the old division line; thence following the old division line, easterly to the place of beginning, the two tracts together containing one and four-tenths (1.4) acres of land, be the same more or less. The object of this conveyance with the aid of another deed from Newton to Ruos of the same date is to establish a new division line parallel to the dirt road from Dale's Crossing to Route 13 and extending easterly from the Delaware Railroad to lands of Grover Dickerson.

TRACT NO. 14

ALL that certain tract, piece and parcel of land situate in Northwest Fork Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit:

Bounded on the West by the right-of-way of the Delaware Railroad Company, bounded on the South by the lands now or formerly of Electra Goldsborough and bounded on the East, West and North by the lands now or formerly of George Ryos, and being all of the lands East of the Delaware Railroad Company right-of-way conveyed unto Newton Chemical and Supply Company by a Deed of Fred J. Palmer, dated June 5, 1944, and recorded in the aforesaid Recorder's Office in Deed Book ELN, Vol. 348, Page 29, be the contents what it may.

TRACT NO. 15

ALL that certain tract, piece or parcel of land situated lying and being in Northwest Fork Hundred, Sussex County, Delaware, adjoining lands now or formerly of the heirs of Rev. Thomas A. Moore, deceased, Henry C. Short and bordering on the North side of the Public Road leading from Cotrells Mills to M.I. Fisher's and contained with the following courses and distances: Beginning for the same in the center of the aforesaid Public Road at a corner of lands now or formerly of said Fisher and run from thence down the

center of said road South 69 ½ degrees West 17.7 rods; thence leave said Road and run North 54 ¾ degrees West 9 ¼ rods to a post where formerly stood a cedar in line of lands now or formerly of said Short; thence with the same North 38 degrees East 73 ¾ rods; thence North 8 ¾ degrees West 31 rods to post, a corner of dower lands of the widow of said Thomas A. Moore, deceased, then with the same North 45 ¼ degrees East 63.4 rods to a post; then South 40 ½ degrees East 106.2 rods to the center of the aforesaid public road; then down the same South 68 ½ degrees West 140.64 rods home to the place of beginning, containing fifty-six (56) acres and twenty -two (22) square rods of land, more or less.

EXCEPTING, THEREFROM, HOWEVER, the following conveyance away by Warren C. Newton and wife: Deed to Fred N. Truitt, dated March 9, 1946, recorded in the aforesaid Recorder's Office in Deed Book 362, Page 3, ½ acre: Deed to O.A. Newton & Son Company, dated September 18, 1947, and recorded in the aforesaid Recorder's Office in Deed Book EMM, Vol. 373, Page 405, 33,480 square feet.

TRACT NO. 16

ALL that certain tract, piece and parcel of land situate, lying and being in Nanticoke Hundred, Sussex County, Delaware, fronting on the public road leading from Gum Branch Road to the Greenwood Road, adjoining lands now or formerly of John H. Smith, Ezekiel Willey, Charles Webb and Joseph J. Smith more fully described as follows: Beginning at a corner for these lands and lands now or formerly of Ezekiel Willey: thence in a Southerly direction in a straight line with lands now or formerly of said Ezekiel Willey 54 rods and 10 feet to a stone, a corner for these lands and lands now or formerly of Joseph J. Smith and Ezekiel Willey; thence in a straight line running with a small ditch separating these lands from lands now or formerly of Joseph J. Smith in an Easterly course 53 rods to the West Branch Ditch; thence up the said West Branch Ditch with its several meanderings in a Northerly course to a bridge 41 rods and 14 feet at the first mentioned public road; thence with the aforesaid public road in a Westerly course 76 rods and 10 feet to the place of beginning, containing 21 acres, more or less, of young growing pine and woodland, improved with an old frame dwelling house thereon.

RESERVING thereout and therefrom said lands herein conveyed a right of way fifteen feet wide beginning at the aforesaid public road leading from Gum Branch Road to Greenwood, and extending along

the land now or formerly of E. Willey in a Southerly direction to another corner for these lands and other lands now or formerly of said Joseph J. Smith and terminating thereat.

TRACT NO. 17

ALL that certain tract, piece or parcel of land, with improvement situate thereon located in Nanticoke Hundred, Sussex County, State of Delaware, described as follows, to wit:

Beginning at a point at the run of Mortons Branch, a corner for lands now or formerly of Leonard Chaffinch; thence two courses with said lands, North forty-six and one-half degrees East ten hundred fifty (1,050) feet to a stone; North fifty-two degrees West, eight hundred (800) feet to the South side of the Bridgeville to St. Johnston State Highway; thence with same, North forty-seven degrees fifty three minutes East, five hundred seventy seven and one-half (577 ½) feet to the center line of the dirt road leading to Sunnyside School; thence along the center of same, South fifty three degrees East, twenty three hundred eighty eight (2,388) feet to a point opposite the center line of a ditch and a corner for lands now or formerly of Addison Tatman; thence with same, South nine degrees West, two hundred twenty eight (228) feet; thence continuing with said Tatman lands and with said ditch in part, South thirty nine degrees twenty two minutes West, twenty four hundred thirty (2,430) feet to the run of Mortons Branch; thence with lands now or formerly of William G. Passwaters, Northerly to the place of beginning, containing 104 ¾ acres of land, be the same more or less.

TRACT NO. 18

ALL that certain tract, piece and parcel of land situated in Northwest Fork Hundred, Sussex County, State of Delaware, lying on the Northeasterly side of Route 404 leading from Bridgeville, Delaware, to Denton, Maryland and shown as Lot No. 15 in Plot Book 2, Page 14; the above Lot 15 being adjacent to the right of way of above mentioned Route 404 adjoins the lands of Newton Farms, Incorporated and has for its Northeasterly boundary the center of Prong 2 of Bridgeville Branch Tax Ditch and contains approximately 92,050 square feet of land be the same Plot #15 which Warren C. Newton and his wife, Elizabeth E. Newton, conveyed to Dorothy R. Porteus by a Deed dated May 26, 1952 and recorded in Deed Book GMB Volume 414, Page 208.

TRACT NO. 19

ALL that certain tract, piece and parcel of land situate in Northwest Fork Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit:

BEGINNING at a stake in the west line of the new dual highway and on the North side of the public road leading from Dale's Crossing to the Delaware State Police Station at Bridgeville, Delaware, commencing at the center of said road and running with the westerly edge of the right-of-way line of the aforementioned dual highway, North twelve degrees (12 degrees) East one hundred twenty-one (121) perches more or less to a stone; thence along the lands of Jane N. Rider North seventy-two and one-quarter degrees (72 ¼) West one hundred thirty-four and one-tenth perches (134.1) more or less to a stake in the Easterly edge of the right-of-way of the Delaware Railroad; thence with the Easterly edge of the right-of-way of said Delaware Railroad South seventeen and one-half degrees (17-1/2) West sixty-five and three-tenths (65.3) perches more or less to a cement post in the line of the said Delaware Railroad Company right-of-way; thence continuing along the said Easterly right-of-way of the Delaware Railroad South seventeen degrees (17) seventeen (17) minutes East seven hundred feet (700) to a point at the North side of the aforementioned public road leading from Dale's Crossing to the Delaware State Police Station, known as Delaware Route 584; thence South sixty-eight degrees (68) ten (10) minutes West along the said Northerly right-of-way, a distance of one hundred ten feet (110) to a point; thence South sixty-eight and one-quarter degrees (68 ¼) East, continuing along the said Northerly right-of-way of Delaware Route 584, a distance of one hundred thirty-eight and six-tenth perches (138.6) to the point where the Northerly right-of-way of Delaware Route 584 intersects with the Westerly right-of-way of the aforementioned dual highway, known as U.S. Route 13, containing 101.446 acres, more or less.

TRACT NO. 20

ALL those two (2) certain pieces or parcels of land situate in Northwest Fork Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit:

No. 1 - Beginning at an iron pipe dividing the lands of

O.A. Newton & Son Company and Newton Farms, Incorporated, said pipe being 147 feet in a Northeasterly direction from an iron bolt in the center of a private macadam road, said road being located West of the former residence of Oliver A. Newton, now deceased, and now being occupied by Newton Chemical & Supply Company and other Newton Companies, said road being the main outlet from the lands hereby conveyed and lands of Newton Farms, Incorporated, to Highway #582, connecting the Bridgeville to Denton Highway No. 404, and the old County Road #583 leading from Bridgeville to Greenwood; thence from the said iron pipe continuing in a Northeasterly direction with the dividing line between the lands of O.A. Newton & Son Company and Newton Farms, Incorporated, a distance of 329 feet to a marker in a fence line dividing the properties of O.A. Newton & Son Company and Newton Farms, Incorporated; thence with an interior angle of 92 degrees in a Northwesterly direction by and with lands of Newton Farms, Incorporated, a distance of 273 feet to a marker; thence with an interior angle of 88 degrees in a Southwesterly direction a distance of 329 feet to a marker in a fence line; thence with an interior angle of 92 degrees in a Southeasterly direction 273 feet to the place of beginning, be the contents what they may.

No. 2 - Beginning at a pipe located in the center of the private macadam road heretofore referred to, a distance of 211 feet Northwest of the beginning point of Tract No. 1 herein conveyed; thence with the center of said road and with a line of marks in the center of said private road at a bearing of approximately North 32 ¾ degrees West a distance of 594 feet to a pipe in the center of the aforesaid macadam road; thence with an interior angle of 90 degrees in a Southwesterly direction by and with the lands of Warren C. Newton a distance of 1,156 feet to a post in a ditch; thence by and with the center and meandering of said ditch a distance of approximately 676 feet to a post on the aforesaid ditch; thence in a Northeasterly direction by and with the lands of Warren C. Newton a distance of 839 feet to the place of beginning, the interior angle at the place of beginning being 87 ½ degrees, be the contents thereof what they may, together with all improvements thereon.

Reserving to the said Warren C. Newton, his heirs or assigns, the right-of-way over and upon any and all roads contiguous to the lands conveyed by this deed together with the right-of-way over and across a private macadam road located West of the house formerly occupied by Oliver A. Newton and now occupied by Newton Chemical & Supply Company and other Newton Companies and intersecting with the

Highway #582 connecting the Bridgeville-Denton Highway #404 with the old county road leading from Bridgeville to Greenwood #583.

EXCEPTING thereout and therefrom the standing wooden electric poles, wires being suspended thereby, the transformer or transformers used in conjunction therewith, being used as of the time of the execution of this deed, for the supply of electrical service for the benefit of the grantor and being the property of the grantor.

ALSO EXCEPTING thereout and therefrom the pump house, tanks, pipes, and appurtenances used in conjunction therewith for the supply of water used for the production of eggs, chicks and poultry and the incidental uses thereto, for the benefit of the grantor and being the property of the grantor.

IN ADDITION to the above reservation and exceptions, this conveyance is made subject to a reservation to the grantors, O.A. Newton & Son Company, its successors and assigns, jointly with Warren C. Newton of Bridgeville, Delaware, of a right-of-way over and upon any and all roads contiguous to the lands conveyed by this deed together with the right-of-way over and across a private macadam road located west of the house now occupied by Newton Chemical & Supply Company and other Newton Companies, and intersecting with the highway connecting the Bridgeville to Denton Highway with the old County Road leading from Bridgeville to Greenwood.

EXCEPTING and RESERVING from the hereinbefore described parcels of land the following tracts of land:

A tract of land conveyed unto William R. Conaway by a Deed of Newton Farms, Incorporated, a corporation of the State of Delaware, dated the 19th day of February, 1974, and filed for record in Deed Record No. 728, Page 928. It was described as follows:

ALL that certain tract, piece and parcel of land, lying and being in the Northwest Fork Hundred, Sussex County, State of Delaware, being more particularly described as follows:

BEGINNING at a concrete marker on the right-of-way of Route 404, the point being 444.78 feet and South 38 degrees 00 minutes 00 second East of a concrete marker, a corner for the lands of Newton Farms, Incorporated, Bridgeville, Delaware, and Lester L. Showers,

Bridgeville, Delaware; thence by and with said right-of-way of Route 404 South 38 degrees 00 minutes 00 seconds East, a distance of 102.83 feet to a point and beginning of a curve having a radius of 25 feet, continuing around said radius of an arc distance of 36.27 feet to a point on the right-of-way of a 50 foot private road; thence by and with said private road North 58 degrees 52 minutes 40 seconds East, a distance of 147.46 feet to an iron pipe, continuing on same bearing 7.82 feet to center line of Prong #2 of the Bridgeville Branch Tax Ditch, in all, a total of 177.45 feet; thence by and with said ditch North 31 degrees 00 minutes 16 seconds West, a distance of 147.34 feet to a point; thence leaving center line of said ditch South 52 degrees 00 minutes 00 seconds West, a distance of 7.77 feet to an iron pipe, and continuing on said bearing 186.35 feet to a concrete marker, in all, a total of 194.12 feet; said concrete marker being the place of beginning, containing in all, 25,105 square feet.

A tract of land conveyed unto Philip H. Lyons and Cheryl L. Lyons, his wife, by a Deed of Newton Farms, Inc., a corporation of the State of Delaware, dated the 31st day of March, 1975, and filed for record in Deed Record No. 744, Page 987. It was described as follows:

ALL that certain piece or parcel of land, situate, lying and being in Northwest Fork Hundred, Sussex County, Delaware, being more particularly bounded and described as follows:

BEGINNING at a concrete marker located on the North right-of-way of Route 18 at a corner of these lands and the lands of Hillbert Massey; which point of beginning is approximately 826 feet East of the Easterly right-of-way line of Route 532; thence North 73 degrees 12 minutes 57 seconds East along the said Northerly right-of-way of Route 18, a distance of 100 feet to a concrete marker; thence North 16 degrees 47 minutes 03 seconds West along other lands of grantor, a distance of 277.39 feet to a concrete marker; thence South 42 degrees 30 minutes 42 seconds West along the lands of Hilda S. Baker, a distance of 116.30 feet to a concrete marker; thence South 16 degrees 47 minutes 03 seconds East along the lands of the said Hilbert Massey, a distance of 218 feet to the place of beginning, containing approximately 24,770 square feet or .5686 acres.

A tract of land conveyed unto Emerson M. Abbott and Kathryn D. Abbott, his wife, by a Deed of Newton Farms, Incorporated, a

corporation of the State of Delaware, dated the 19th day of February, 1974, and filed for record in Deed Record No. 726, Page 180. It was described as follows:

ALL that certain tract, piece and parcel of land, lying and being in the Northwest Fork Hundred, Sussex County, State of Delaware, being more particularly described as follows:

BEGINNING at a marker on the northerly right-of-way of Delaware Route 18, said marker being North 72 degrees 44 minutes 55 seconds East, 300 feet from a concrete marker, a corner for the lands of Newton Farms, Incorporated, and Hilbert W. Massey, deceased January 26, 1974; thence North 72 degrees 44 minutes 55 seconds East along said right-of-way of Route 18, a distance of 150' 00" to a concrete marker; thence turning and running North 17 degrees 15 minutes 05 seconds West, a distance of 481.62 feet to a concrete marker; thence turning and running South 42 degrees 30 minutes 42 seconds West, a distance of 173.62 feet to a concrete marker; thence turning and running South 17 degrees 15 minutes 05 seconds East, a distance of 394.19 feet to the place of beginning, containing 1.508 acres more or less.

A tract of land conveyed unto O.A. Newton & Son Company, a corporation of the State of Delaware, by a Deed of Newton Farms, Incorporated, a corporation of the State of Delaware, dated the 2nd day of April, 1976, and filed for record in Deed Record No. 785, Page 152. It was described as follows:

ALL that certain lot, piece or parcel of land situate, lying and being in Northwest Fork Hundred, Sussex County, State of Delaware, and lying on the Southerly side of Delaware Route 584 and being more particularly described as follows, to wit:

BEGINNING at an iron pin set in the Southerly right-of-way line of Delaware Route 584 and in line of other lands of O.A. Newton & Son, Company, said point of beginning being North 68 degrees 21 minutes 20 seconds West 570 feet from a concrete monument set in the Southwesterly intersection of Delaware Route 584 and U.S. Route 13; thence from said point of beginning and with the Southerly right-of-way line of Delaware Route 584 North 68 degrees 21 minutes 20 seconds West 170 feet to a concrete monument and other lands of Newton Farms, Incorporated; thence by and with the other lands of the said Newton Farms, Incorporated South 14 degrees 26 minutes 13 seconds West 347.80 feet to a concrete

monument; thence turning and running South 68 degrees 21 minutes 20 seconds East 185 feet to a concrete monument located in line of lands of said O.A. Newton & Son, Company; thence by and with the line of lands of said O.A. Newton & Son, Company North 12 degrees 00 minutes 00 seconds East 350 feet to an iron pipe set in the Southerly right-of-way line of Delaware Route 584, the point and place of beginning, containing 61,246 square feet of land or 1.406 acres of land, be the same more or less, as surveyed by J.J. McCann, Inc., Registered Surveyor, March 18, 1976.

A tract of land conveyed unto George Lee Slacum, Sr. by a Deed of Newton Farms, Incorporated, a corporation of the State of Delaware, dated the 19th day of June, 1969, and filed for record in Deed Record No. 643, Page 162. It was described as follows:

ALL that certain lot, pieces and parcels of land situated in Northwest Fork Hundred, Sussex County, State of Delaware, more fully described as follows:

BEGINNING at a marker on the Northeasterly side of the right-of-way of State Highway 404, this point being 562 feet from the center line of a ditch and the said Highway right-of-way, said ditch being the dividing lines between the lands of Jack H. Bennett and the Church of God; thence at a right angle along a course North 37 degrees 45 minutes East, a distance of 200 feet to a concrete marker; thence in a Northwesterly direction along a line parallel to aforesaid Highway right-of-way, the course being North 52 degrees 15 minutes West, a distance of 162 feet to a concrete marker; thence at a right angle along a course South 37 degrees 45 minutes West, a distance of 200 feet to a concrete marker in the Northeasterly right-of-way of Highway 404; thence in a line with the abovementioned right-of-way, a course of South 52 degrees 15 minutes East to the place of beginning, a distance of 162 feet, containing 32,400 square feet.

A tract of land conveyed unto Warren C. Newton by a Deed of Newton Farms, Incorporated, a corporation of the State of Delaware, dated the 22nd day of December, 1976, and filed for record in Deed Record No. 821, Page 340. It was described as follows:

ALL that certain tract, piece and parcel of land situate in Northwest Fork Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit:

BEGINNING at a concrete marker located on the Northerly right-of-way of County Route 582, said marker being North 60 degrees 04 minutes 34 seconds East, a distance of 452.72 feet from a railroad spike located in the intersection of a private macadam road in said County Route 582, and North 60 degrees 06 minutes 10 seconds East, a distance of 1279.84 feet and North 58 degrees 54 minutes 37 seconds East a distance of 238.87 feet, being a corner of these lands and lands known as Tract C conveyed to William R. Conaway from Newton Farms, Incorporated; thence North 29 degrees 19 minutes 03 seconds West, a distance of 265 feet along the lands of William R. Conaway to a point; thence North 58 degrees 54 minutes 3 seconds East, a distance of 140 feet along other lands of Newton Farms, Incorporated to a point; thence South 29 degrees 19 minutes 03 seconds East, a distance of approximately 265 feet to the said Northerly right-of-way of County Route 582 along other lands of Newton Farms, Incorporated to a point; thence South 58 degrees 54 minutes 37 seconds East along the said Northerly right-of-way of County Route 582, a distance of approximately 140 feet to the place of beginning, containing approximately 37,100 square feet more or less.

A tract of land conveyed unto William R. Conaway by a Deed of Newton Farms, Incorporated, a corporation of the State of Delaware, dated the 20th day of December, 1976, and filed for record in the Deed Record No. 821, Page 342. It was described as follows:

ALL that certain tract, piece and parcel of land situate in Northwest Fork Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit:

TRACT NO. 1

BEGINNING at a point located on the Easterly right-of-way of Delaware Route 404 at a corner of these lands and lands of Lester L. Showers; thence South 38 degrees 30 minutes 02 seconds East along the said Easterly right of way of Delaware Route 404 a distance of 444.98 feet to a point at the corner of these lands and lands of William R. Conaway; thence North 51 degrees 29 minutes 58 seconds East along the lands of William R. Conaway, a distance of 189.16 feet to the center line of Prong 2 of the Bridgeville Tax Ditch; thence South 31 degrees 30 minutes 16 seconds East along the said center line of Prong 2, a distance of 147.35 feet; thence South 58 degrees 22 minutes 38 seconds West along the lands of William R. Conaway, a distance of 172.45 feet to the Easterly right

of way of Delaware Route 404; thence South 38 degrees 30 minutes 02 seconds East along the said right of way a distance of 50.36 feet to a corner of these lands and lands of Joanna N. Conaway; thence North 58 degrees 22 minutes 38 seconds East along the lands of Joanna N. Conaway, a distance of 171.28 feet to the center line of the said Prong 2 of the Bridgeville Tax Ditch; thence South 38 degrees 03 minutes 51 seconds East along the center line of the said Prong 2 of the Bridgeville Tax Ditch, a distance of 149.87 feet; thence continuing along the center line of the said Prong 2 of the Bridgeville Tax Ditch South 39 degrees 28 minutes 34 seconds East, a distance of 135.30 feet; thence South 58 degrees 22 minutes 38 seconds West along the lands of William R. Conaway, a distance of 172.45 feet to the said Easterly right of way of Delaware Route 404; thence South 43 degrees 14 minutes 48 seconds East along the said Easterly right of way of Delaware Route 404, a distance of 258.39 feet; thence continuing along the said Easterly right of way of Delaware Route 404 South 44 degrees 40 minutes 56 seconds, East, a distance of 1144.98 feet; thence South 82 degrees 18 minutes 11 seconds East, a distance of 79.21 feet; thence North 60 degrees 04 minutes 34 seconds East, a distance of 13 feet; thence South 29 degrees 55 minutes 26 seconds East, a distance of 5 feet to the Northerly right of way of County Route 582; thence North 60 degrees 04 minutes 34 seconds East along the said Northerly right of way of County Route 582, a distance of 501.25 feet to the center line of Prong 2 of the Bridgeville Tax Ditch; thence North 44 degrees 12 minutes 26 seconds West along the center line of said Prong 2 of the Bridgeville Tax Ditch, a distance of 577.20 feet to an iron pipe; thence North 57 degrees 19 minutes 37 seconds East along the lands of Warren C. Newton, a distance of 835.36 feet to a railroad spike set in the center line of a private macadam road; thence North 32 degrees 09 minutes 33 seconds West along the center line of the said private macadam road, a distance of 398.16 feet to a point; thence North 32 degrees 04 minutes 20 seconds West along the center line of a dirt lane adjoining other lands of Newton Farms, Incorporated, a distance of 796.29 feet to an iron pipe; thence South 57 degrees 37 minutes 27 seconds West along other lands of Newton Farms, Incorporated, a distance of 497.16 feet to an iron pipe; thence North 33 degrees 15 minutes 02 seconds West along the center line of a dirt lane dividing these lands and other lands of Newton Farms, Incorporated, a distance of 731.93 feet to a concrete marker; thence South 48 degrees 11 minutes 50 seconds West along the lands of Lester L. Showers, a distance of 691.85 feet to an iron pipe; thence continuing along the lands of Lester L. Showers, South 53 degrees 12 minutes 30 seconds West, a distance of 57.06

feet to a concrete marker; thence continuing along the lands of Lester L. Showers South 49 degrees 13 minutes 54 seconds West, a distance of 241.38 feet to the place of beginning, containing approximately 53.691 acres more or less as shown on the Plot NWF-24 as surveyed by Donald J. McCann PLS 440 on December 1976, together with all improvements thereon.

TRACT NO. 2

BEGINNING at a railroad spike on the Northerly right of way of County Route 582 at the intersection of the center line of a private macadam road; thence North 60 degrees 04 minutes 34 seconds East along the said County Route 582, a distance of 452.72 feet to a concrete marker; thence North 29 degrees 42 minutes 28 seconds West along other lands of Newton Farms, Incorporated, a distance of 681.15 feet to an iron pipe; thence South 58 degrees 07 minutes 12 seconds West along lands of Swift and Company, a distance of 333.98 feet to an iron pipe; thence South 32 degrees 02 minutes 27 seconds East along the lands of O.A. Newton & Son Company, a distance of 270.61 feet to a concrete marker; thence South 56 degrees 44 minutes 15 seconds West along the lands of O.A. Newton & Son Company, a distance of 147.00 feet to a railroad spike set in the center line of a private macadam road; thence South 32 degrees 09 minutes 33 seconds East along the center line of a private macadam road a distance of 391.05 feet to the place of beginning, containing 6.295 acres more or less, together with all improvements thereon.

This conveyance is made subject to the following condition and reservation, as was contained in the deed of Warren C. Newton, etal., in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Record No. 371, Page 32, as follows:

Reserving to the said Warren C. Newton, his heirs or assigns, the right-of-way over and upon any and all roads contiguous to the lands conveyed by this deed together with the right of way over and across a private macadam road located West of the house formerly occupied by Oliver A. Newton and now occupied by Newton Chemical Supply Company and other Newton Companies and intersecting with the highway #582 connecting the Bridgeville-Denton Highway #404 with the old county road leading from Bridgeville to Greenwood #583.

EXCEPTING thereout and therefrom the standing wooden electric

poles, wires being suspended thereby, the transformer or transformers used in conjunction therewith, being used as of the time of the execution of this deed, for the supply of electrical service for the benefit of the grantor and being the property of the grantor.

ALSO EXCEPTING thereout and therefrom the pump house, tanks, pipes and appurtenances used in conjunction therewith for the supply of water used for the production of eggs, chicks and poultry and the incidental uses thereto, for the benefit of the grantor and being the property of the grantor.

IN ADDITION to the above reservation and exceptions, this conveyance is made subject to a reservation to the grantors, O.A. Newton & Son Company, its successors and assigns, jointly with Warren C. Newton of Bridgeville, Delaware, of a right of way over and upon any all roads contiguous to the lands conveyed by this deed together with the right of way over and across a private macadam road located west of the house now occupied by Newton Chemical & Supply Company and other Newton Companies, and intersecting with the highway connecting the Bridgeville to Denton Highway with the old County Road leading from Bridgeville to Greenwood.

A tract of land conveyed unto Joanna N. Conaway, Kevin S. Conaway, Guy S. Conaway, and William R. Conaway, by a Deed of Newton Farms, Incorporated, a corporation of the State of Delaware, dated the 20th day of December, 1976, and filed for record in Deed Record No. 821, Page 149. It was described as follows:

ALL that certain tract, piece and parcel of land situate in Northwest Fork Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit:

BEGINNING at a concrete marker located on the Northerly right of way of County Route 582, a distance of 1532 feet from Delaware Route 404 being a corner of these lands and other lands known as Tract A conveyed to William R. Conaway from Newton Farms, Incorporated; thence North 60 degrees 06 minutes 10 seconds East along the Northerly right of way of County Route 582, a distance of 179.48 feet to a point; thence continuing along the said Northerly right of way of Route 582 North 58 degrees 54 minutes 37 seconds East, a distance of 238.87 feet to a concrete marker; thence North 29 degrees 19 minutes 03 seconds West along the lands of Newton

Farms, Incorporated, a distance of 400.66 feet to a concrete marker; thence South 64 degrees 43 minutes 26 seconds West along lands of Newton Farms, Incorporated, a distance of 90.31 feet to a concrete marker; thence North 19 degrees 40 minutes 49 seconds West along lands of Newton Farms, Incorporated, a distance of 487.72 feet to a concrete marker; thence South 69 degrees 20 minutes 21 seconds West along lands of Newton Farms, Incorporated, a distance of 670.15 feet to a concrete marker; thence North 53 degrees 38 minutes 42 seconds West along lands of Newton Farms, Incorporated, a distance of 1441.64 feet to an iron pipe set in the center line of a drainage ditch; thence North 36 degrees 13 minutes 25 seconds West along lands of Newton Farms, Incorporated and Frances B. Scott, a distance of 1260.32 feet to a concrete marker; thence South 57 degrees 47 minutes 51 seconds West along the center line of a drainage ditch and lands of Frances B. Scott, a distance of 268.95 feet to a concrete marker; thence North 40 degrees 41 minutes 28 seconds West along lands of Frances B. Scott, a distance of 645.70 feet to a concrete marker in the center line of an abandoned dirt public road; thence South 50 degrees 33 minutes 22 seconds West along the center line of said abandoned dirt public road and the lands of Randall C. Handy, a distance of 574.00 feet to a concrete marker; thence South 58 degrees 28 minutes 10 seconds East along the lands of Lester L. Showers, a distance of 270.42 feet to a concrete marker; thence South 34 degrees 28 minutes 10 seconds East along the lands of Lester L. Showers, a distance of 818.00 feet to a concrete marker found; thence North 56 degrees 14 minutes 50 seconds East along the lands of Lester L. Showers, a distance of 173.50 feet to a concrete marker; thence South 34 degrees 58 minutes 10 seconds East along lands of Lester L. Showers, a distance of 422.55 feet to a concrete marker; thence South 48 degrees 11 minutes 50 seconds West along lands of Lester L. Showers, a distance of 663.35 feet to a concrete marker; thence South 33 degrees 15 minutes 02 seconds East along the center line of a dirt lane and other lands being conveyed to William R. Conaway by a Deed of Newton Farms, Incorporated, known as Tract B, a distance of 731.93 feet to an iron pipe set in the center line of said dirt lane; thence North 57 degrees 37 minutes 27 seconds East along the center line of dirt lane and other lands being conveyed to William R. Conaway by Newton Farms, Incorporated, known as Tract B, a distance of 497.16 feet to an iron pipe; thence South 32 degrees 04 minutes 20 seconds East along the center line of a dirt lane and other lands being conveyed to William R. Conaway by Newton Farms, Incorporated, known as Tract B, a distance of 796.29 feet to a point; thence North 56 degrees 51 minutes 32 seconds East along

the center line of a private dirt road and lands of Swift and Company a distance of 496.30 feet to a point; thence South 29 degrees 42 minutes 28 seconds East along lands of Swift and Company and lands to be conveyed to William R. Conaway from Newton Farms, Incorporated, known as Tract A, a distance of 1025.15 feet to the place of beginning, containing 103.972 acres, more or less, together with all improvements thereon, as shown on the Plot NWF-24A as surveyed by Donald J. McCann, PLS 440, on December, 1976.

The lands and premises herein conveyed are subject to various easements and rights of ways as granted from time to time for highway purposes and utility purposes.

EXCEPTING THEREFROM any portion(s) of the the aforedescribed property previously conveyed to others. The purpose of this Deed to is convey unto the Grantee all of the remaining portions of the aforedescribed property not previously conveyed to others, as believed to be generally depicted on current tax maps, the parcels being referenced at the top of this instrument, relevant portions of such tax maps being attached hereto for reference purposes.

BEING a part of the lands and premises heretofore conveyed unto this Grantor by Deed of Newton Farms, Incorporated, dated February 28, 1978, and now of record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 883, Page 41, &c.

Newton Farms, Incorporated, was dissolved in 1972, still owning all or portions of the property described herein. By Order of the Court of Chancery, in and for Sussex County, dated January 7, 2003, in In the Matter of Newton Farms, Incorporated, C.A. No. 2246-S, Robert F. Rider was appointed Trustee of Newton Farms, Incorporated, to take charge of the corporation's property as necessary for the settlement of its unfinished business, with all of the powers and authority granted to trustees for such purposes. A copy of the said Order is attached to this Deed. The undersigned, Robert F. Rider, Trustee, joins in this conveyance to confirm the validity of the prior conveyance unto the Grantor hereunder, pursuant to the authority granted by the Chancery Court Order.

Any and all conveyances of portions of the above-described property previously conveyed to others, after the dissolution of Newton Farms, Incorporated, are hereby confirmed.

IN WITNESS WHEREOF, the parties of the first part have caused these presents to be duly executed, the day and year first above written.

PNC BANK, DELAWARE
(formerly Bank of Delaware)
A Corporation of the
State of Delaware

By: Kirsten Connolly
Vice President

[CORPORATE SEAL]

Attest: Jill D. Baxter
Secretary

STATE OF DELAWARE :
: SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on this 8th day of September, A.D., 2003, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, KIRSTEN CONNOLLY, Vice President of PNC BANK, DELAWARE, (formerly Bank of Delaware) a Corporation of the State of Delaware, Co-Trustee under the Will of Warren C. Newton, party to the foregoing Indenture, known to me personally to be such, and acknowledged said Indenture to be his act and deed and the act and deed of the said corporation; that the signature of the Vice President thereto is in his own proper handwriting; that the seal affixed is the common and corporate seal of said corporation, duly affixed by its authority; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by resolution of the Board of Directors of said corporation.

GIVEN under my hand and seal of office, the day and year aforesaid.

Jill D. Baxter
Notary Public
JILL D BAXTER
(Typewritten Name of Notary Public)

MY COMMISSION EXPIRES: 2/18/07

JILL D. BAXTER
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Feb. 18, 2007

IN WITNESS WHEREOF, the parties of the first part have caused these presents to be duly executed, the day and year first above written.

WITNESS:

_____ _____ (SEAL)
Robert F. Rider, Co-Trustee
under the Will of Warren C. Newton

_____ _____ (SEAL)
Robert F. Rider, Trustee under
the Will of Elizabeth Newton

STATE OF DELAWARE :
: SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on this 11 day of Sept, A.D., 2003, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, ROBERT F. RIDER, Co-Trustee under the Will of Warren C. Newton and Trustee under the Will of Elizabeth Newton party to the foregoing Indenture, known to me personally to be such, and acknowledged said Indenture to be his act and deed.

GIVEN under my hand and seal of office, the day and year aforesaid.

Michele E. Bennett
Notary Public

_____
(Typewritten Name of Notary Public)

MY COMMISSION EXPIRES: _____

MICHELE E. BENNETT
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Oct. 23, 2005

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal, the day and year first abovewritten.

WITNESS:

GRANTOR:
Newton Farms, Incorporated

_____ (SEAL)
By: Robert F. Rider, Trustee

STATE OF DELAWARE :
: SS:
COUNTY OF COUNTY :

BE IT REMEMBERED, That on this 11 day of Sept, A.D., 2003, personally appeared before me, the Subscriber, a Notary Public for the State of County aforesaid, Robert F. Rider, Trustee, party to the foregoing Indenture, known to me personally to be such, and acknowledged said Indenture to be his act and deed and the act and deed of the company, Newton Farms, Incorporated.

GIVEN under my hand and seal of office, the day and year aforesaid.

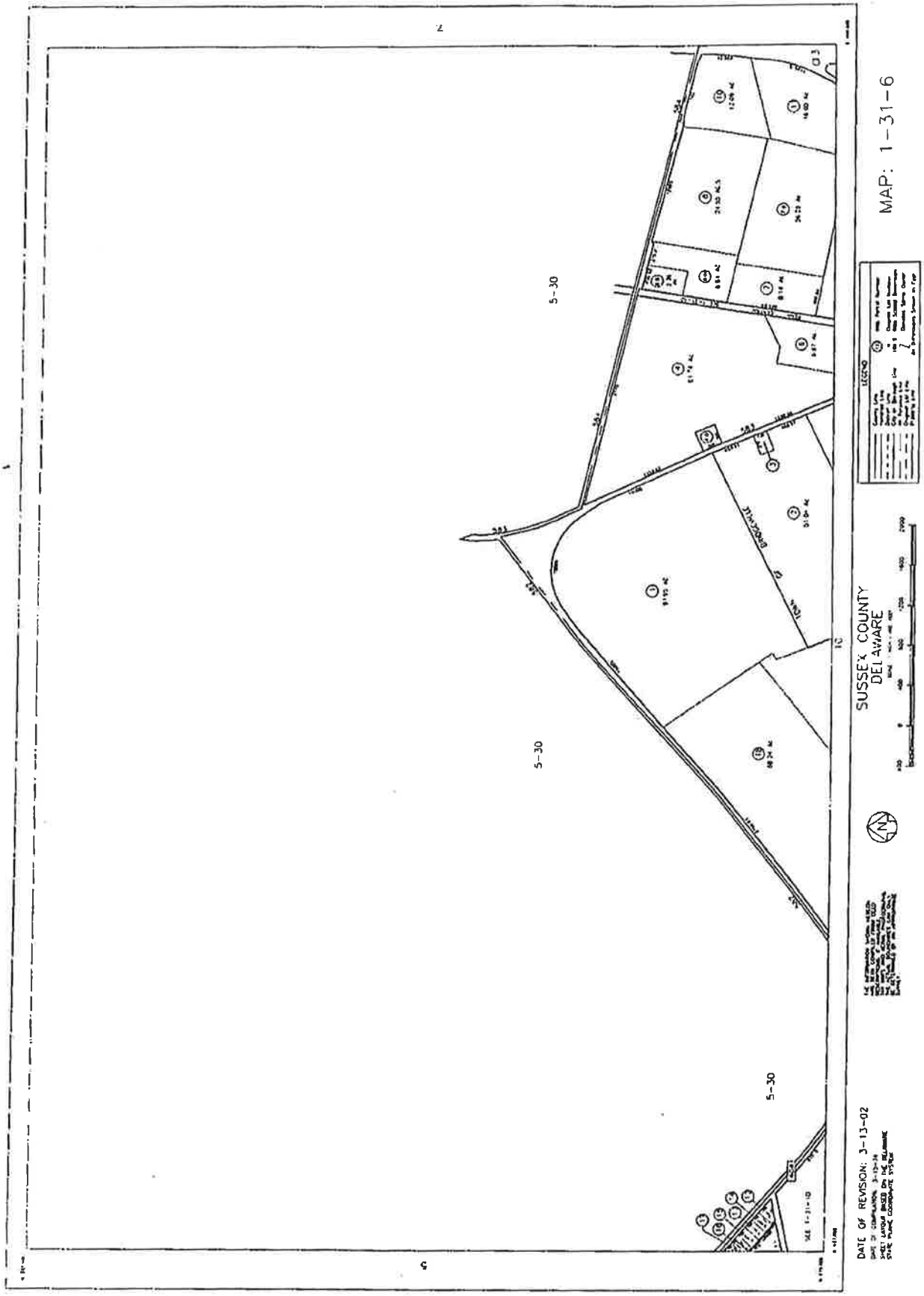
Michele E. Bennett
Notary Public

_____
(Typewritten Name of Notary Public)

MY COMMISSION EXPIRES:

F:\CWLayfield\RETRANS.DOC\Newton Farms LLC Deed (from RFR & BOD) 7-03.doc

MICHELE E. BENNETT
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Oct. 23, 2005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SUSSEX COUNTY
DELAWARE
5-30
5-30
5-30
DATE OF REVISION: 3-13-02

Exhibit A

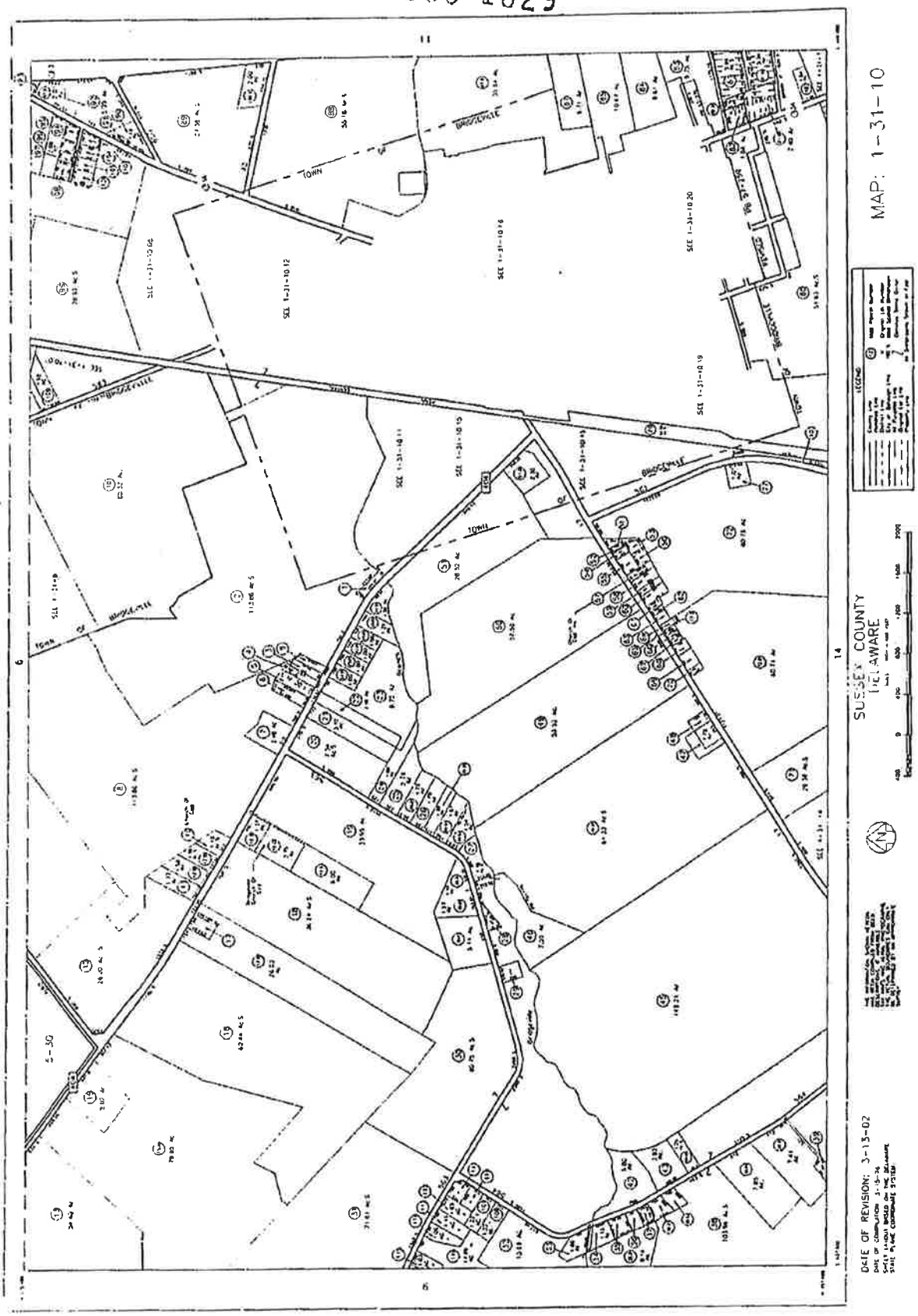


Exhibit B

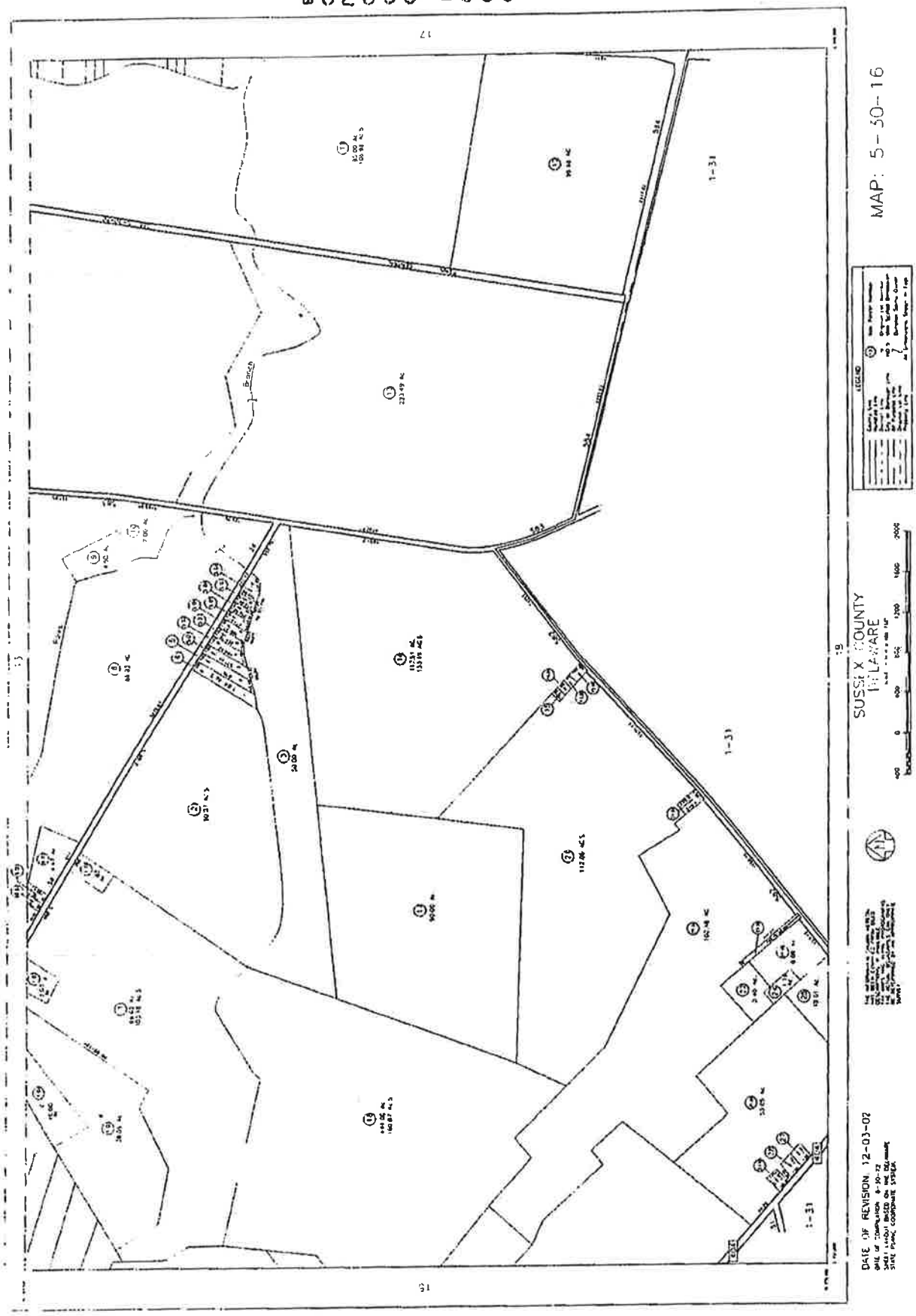


Exhibit C

BK 02885 PG 031

#2

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

IN THE MATTER OF NEWTON FARMS, INCORPORATED, a Delaware corporation	:	C.A. #2246-S

ORDER

AND NOW, to wit, this 7th day of January, 2003, the Court having read and considered the foregoing Application for Appointment of Trustee, it is:

ORDERED THAT Robert F. Rider is appointed as Trustee of Newton Farms, Incorporated pursuant to 8 *Del. C.* § 279 to take charge of the corporation's property as necessary for the settlement of its unfinished business and to have all of the powers and authority granted to trustees for such purposes.

Chancellor

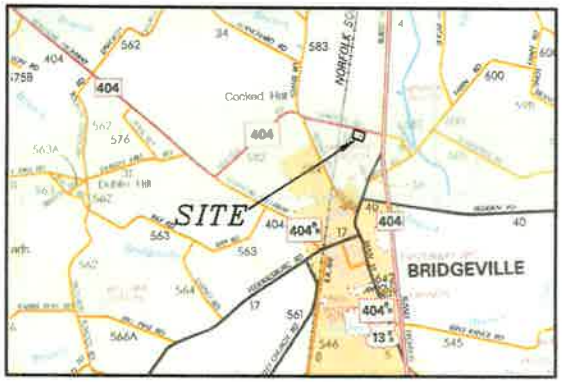
RECORDER OF DEEDS
JOHN F. BRADY
03 SEP 17 PM 12:35
SUSSEX COUNTY
DOC. SURCHARGE PAID

Received
SEP 18 2003
ASSESSMENT DIVISION
OF SUSSEX CTY

Exhibit D

Tab “3”

T.M. #1-31-6-8



VICINITY MAP
SCALE: 1"=1MILE

LANDS N/F
O. A. NEWTON & SON CO.
1930-203

- ■ CONCRETE MONUMENT (FOUND)
- ● DISTURBED PIPE (FOUND)
- s● IRON PIPE (SET)
- ○ POINT

PROPERTY SURVEY FOR
NEWTON FARMS LLC.

SCALE: 1"=100'

SUBURBAN SURVEY

MILLER LEWIS, INC.
LAND SURVEYING
34313 PEPPERS CORNER RD.
FRANKFORD, DELAWARE 19945

DONALD K. MILLER REGISTERED No. 407 PROFESSIONAL LAND SURVEYOR
JANUARY 23, 2007

HUNDRED	COUNTY
NORTHWEST FORK	SUSSEX
STATE	DRAWN BY
DELAWARE	D.K. MILLER
REF.	DWG. NO.
2885-1	1-31-6-8

Tab “4”

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR
(302) 855-7878 T
(302) 854-5079 F

Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 11/27/19

Site Information:

Site Address/Location: 8600 E Newton Rd, Bridgeville, DE

Tax Parcel Number: 131-6.00-8.00
Current Zoning: C-1
Proposed Zoning: LI-2
Land Use Classification: Developing Area

Proposed Use(s): A Sheet Metal and Metal Fabrication Facility with Associated Office Space

Square footage of any proposed buildings or number of units: 72,000 sf

Applicant Information:

Applicant's Name: Robert F. Rider, Jr.

Applicant's Address: 16356 Sussex Highway
City: Bridgeville State: DE Zip Code: 19933

Applicant's Phone Number: (302) 542-8767
Applicant's e-mail address: rob.riderjr@oanewton.com

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

January 2, 2020

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Robert F. Rider, Jr.** rezoning application, which we received on December 3, 2019. This application is for an approximately 24.55-acre parcel (Tax Parcel: 131-6.00-8.00). The subject land is located on the south side of Newton Road (Sussex Road 582), approximately 800 feet west of the intersection of US Route 13 and Newton Road, north of the Town of Bridgeville. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to LI-2 (Light Industrial) to develop a 72,000 square-foot sheet metal and metal fabrication facility with associated office space.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Newton Road where the subject land is located, which is from Delaware Route 404 to US Route 13, are 6,888 and 8,865 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per weekly peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of $10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.

Our review of the trip generation information provided by the applicant's engineer indicates that the proposed 72,000 square-foot sheet metal and metal fabrication facility

would generate 204 vehicle trips per day, 100 vehicle trips during the morning peak hour, and 100 vehicle trips during the evening peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be $2,040.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a Traffic Operational Analysis (TOA), if one is found to be necessary during the site plan review process.

On September 9, 2019, DelDOT issued an Area Wide Study Fee (AWSF) letter for a 67,500 square-foot metal fabrication facility on the subject parcel in the amount of $2,040.00. While the proposed square-footage on the subject application is more than the 67,500 square-foot facility indicated in the AWFS letter, we do not anticipate an increase in the above-mentioned trip generation. A copy of the AWSF letter is enclosed with this letter.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr.

T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure
cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jamie Whitehouse, Planning & Zoning Manager, Sussex County Planning & Zoning
Robert F. Rider, Jr, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

MEMORANDUM

TO: Susanne Laws, Sussex Review Coordinator

FROM: Troy Brestel, Project Engineer TEB

DATE: September 9, 2019

SUBJECT: **MillerMetal Fabrication Facility – (Protocol Tax Parcel #131-6.00-8.00)**
Area Wide Study Fee and Off-site Improvements

The subject development meets DelDOT's volume warrants to pay the Area Wide Study Fee in lieu of doing a Traffic Impact Study (TIS). This memorandum is to address the amount of that fee and the off-site improvements that should be required of the developer in the absence of a TIS. The fee and improvements presented below are an alternative to the developer doing a TIS and the improvements identified through DelDOT's review of that study.

1) The proposed development consists of a 67,500 square foot fabrication facility. Per review of information supplied by the developer, we have determined that the proposed development would generate 204 daily trips and 100 hourly trips for both the a.m. and p.m. peak hours. The fee is calculated at ten dollars per daily trip. For the proposed development, the fee would be $2,040.00.

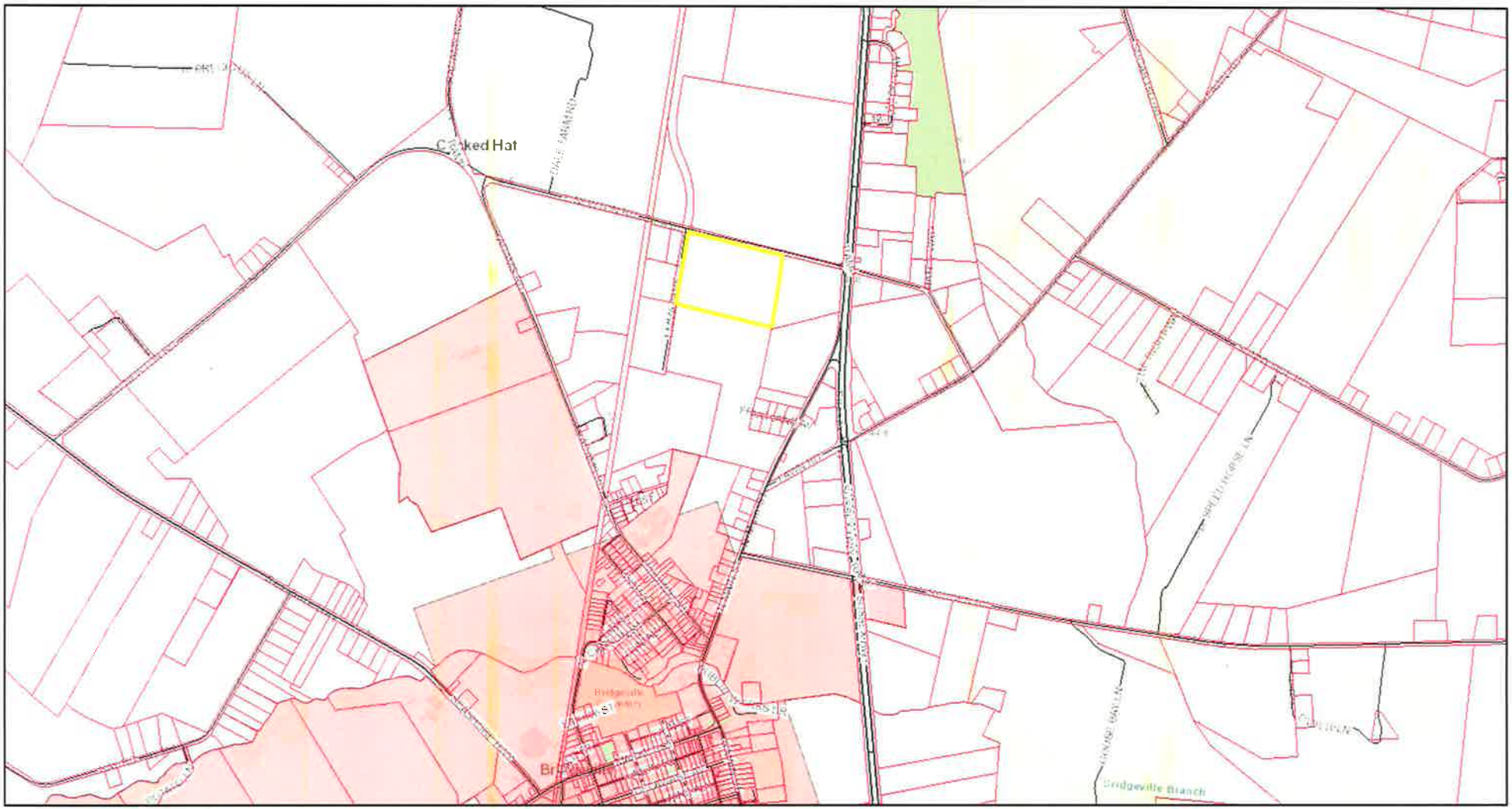
2) There are no off-site improvements that the developer will be required to make or participate in.

If you have any additional questions or comments, please let me know.

TB:km
cc: Marty Miller, MillerMetal Fabrication, Inc.
Dave Heatwole, Scaled Engineering, Inc.
J. Marc Coté, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Peter Haag, Traffic Studies Manager, Traffic, DOTS
Gemez Norwood, South District Public Works Manager, South District, DOTS
Derek Sapp, Subdivision Manager, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

Tab “5”

Sussex County



August 29, 2020

1:18,056

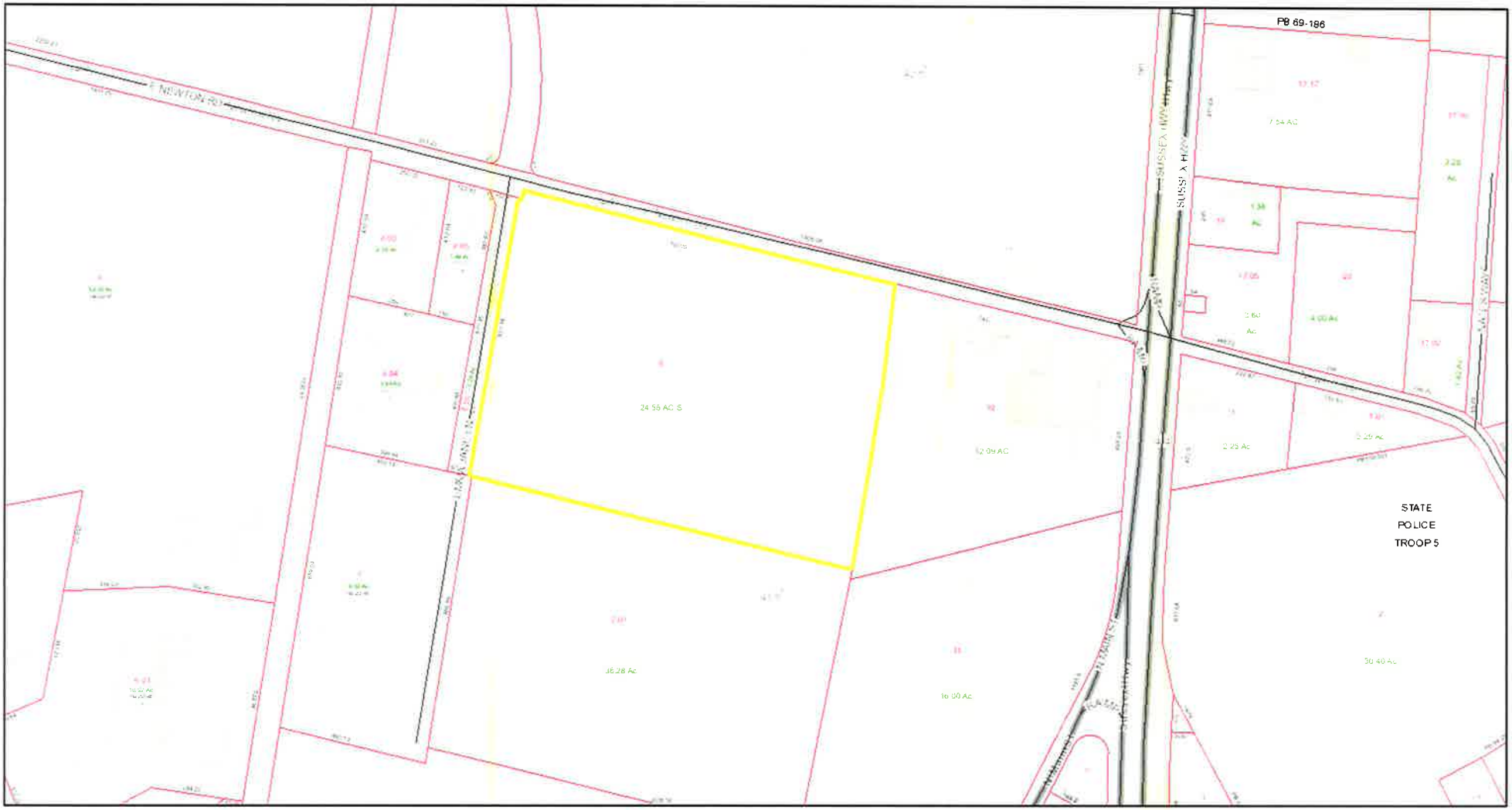
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Communities
- Public Protected Lands
- Geographic Names
- Municipal Boundaries

0 0.17 0.35 0.7 mi

0 0.28 0.55 1.1 km

Delaware Geological Survey, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, FirstMap

Sussex County



August 29, 2020

- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries

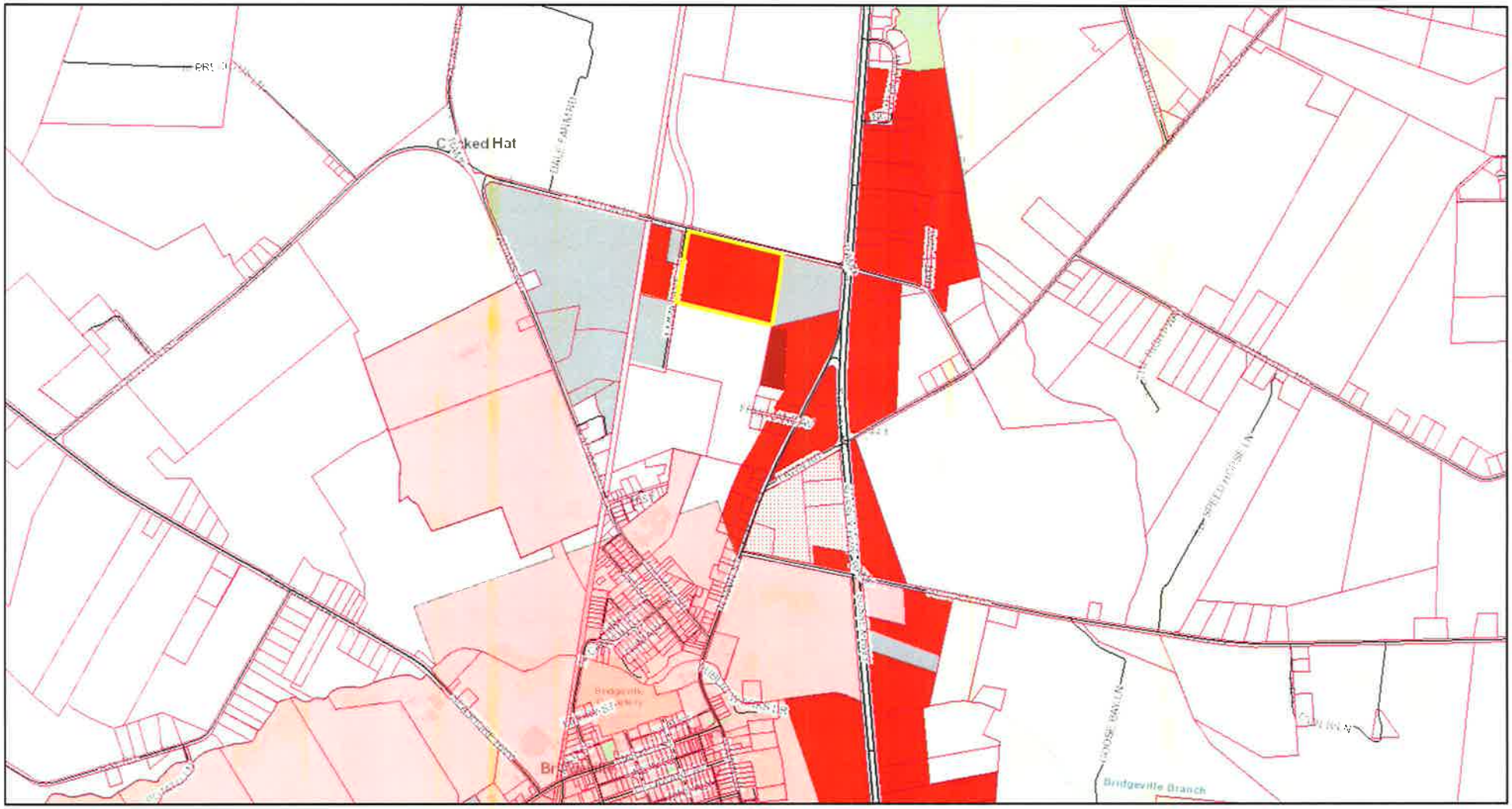
1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County



August 29, 2020

1:18,056

0 0.17 0.35 0.7 mi

0 0.28 0.55 1.1 km

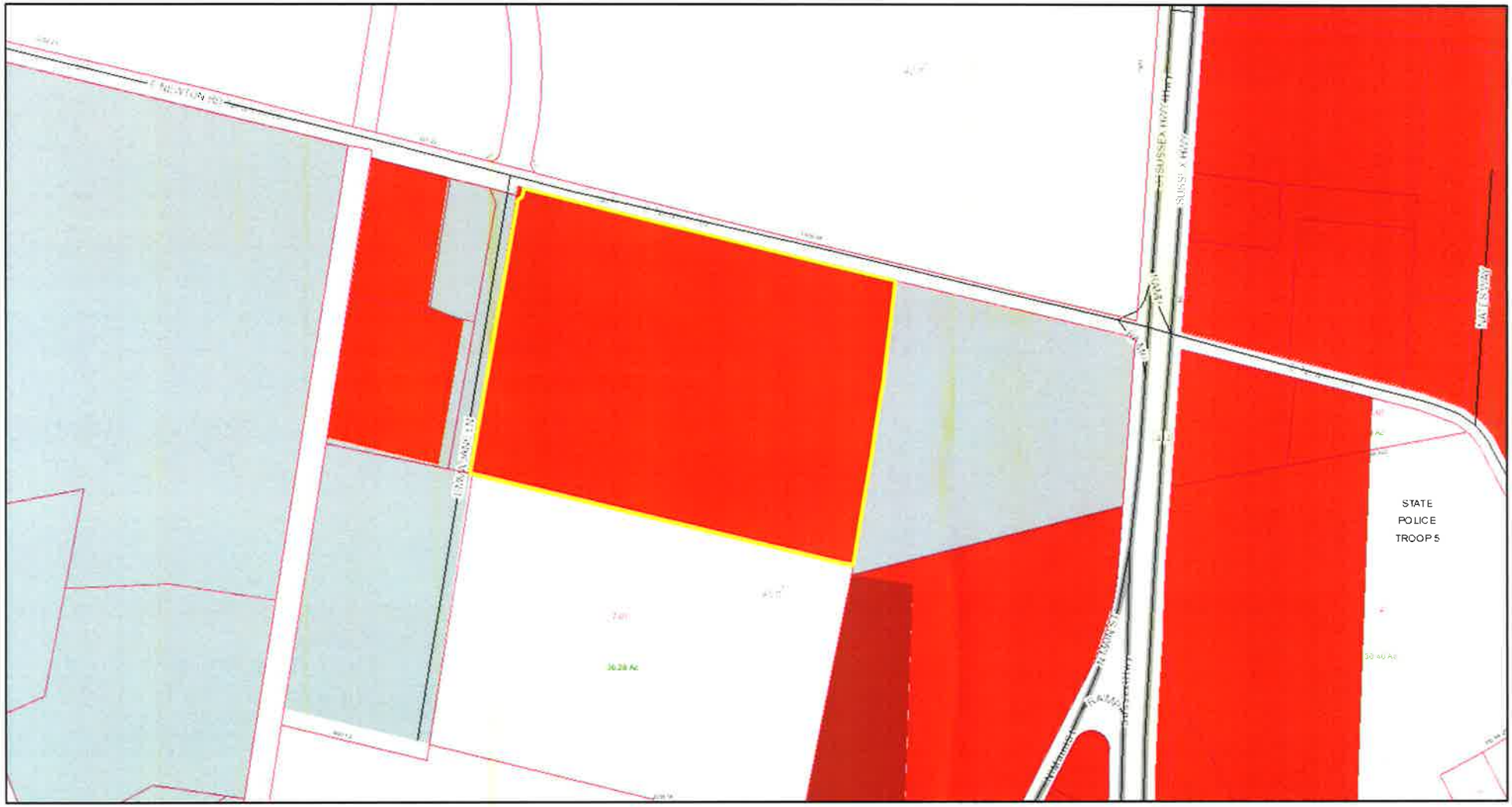
Override 1
Override 1
Tax Parcels
Streets

Zoning

Agricultural Residential - AR-1
Agricultural Residential - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential - HR-1
High Density Residential - HR-2
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
Neighborhood Business - B-2
Business Research - B-3
General Commercial - C-1
General Commercial - C-2
General Commercial - C-3
General Commercial - C-4
General Commercial - C-5
Commercial Residential - CR-1
Institutional - I-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
County Boundaries
Communities
Public Protected Lands
Geographic Names
Municipal Boundaries

Delaware Geological Survey, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government,

Sussex County



August 29, 2020

1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Override 1

Override 1

Tax Parcels

Streets

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

Neighborhood Business - B-2

Business Research - B-3

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3

General Commercial - C-4

General Commercial - C-5

Commercial Residential - CR-1

Institutional - I-1

Marine - M

Limited Industrial - LI-1

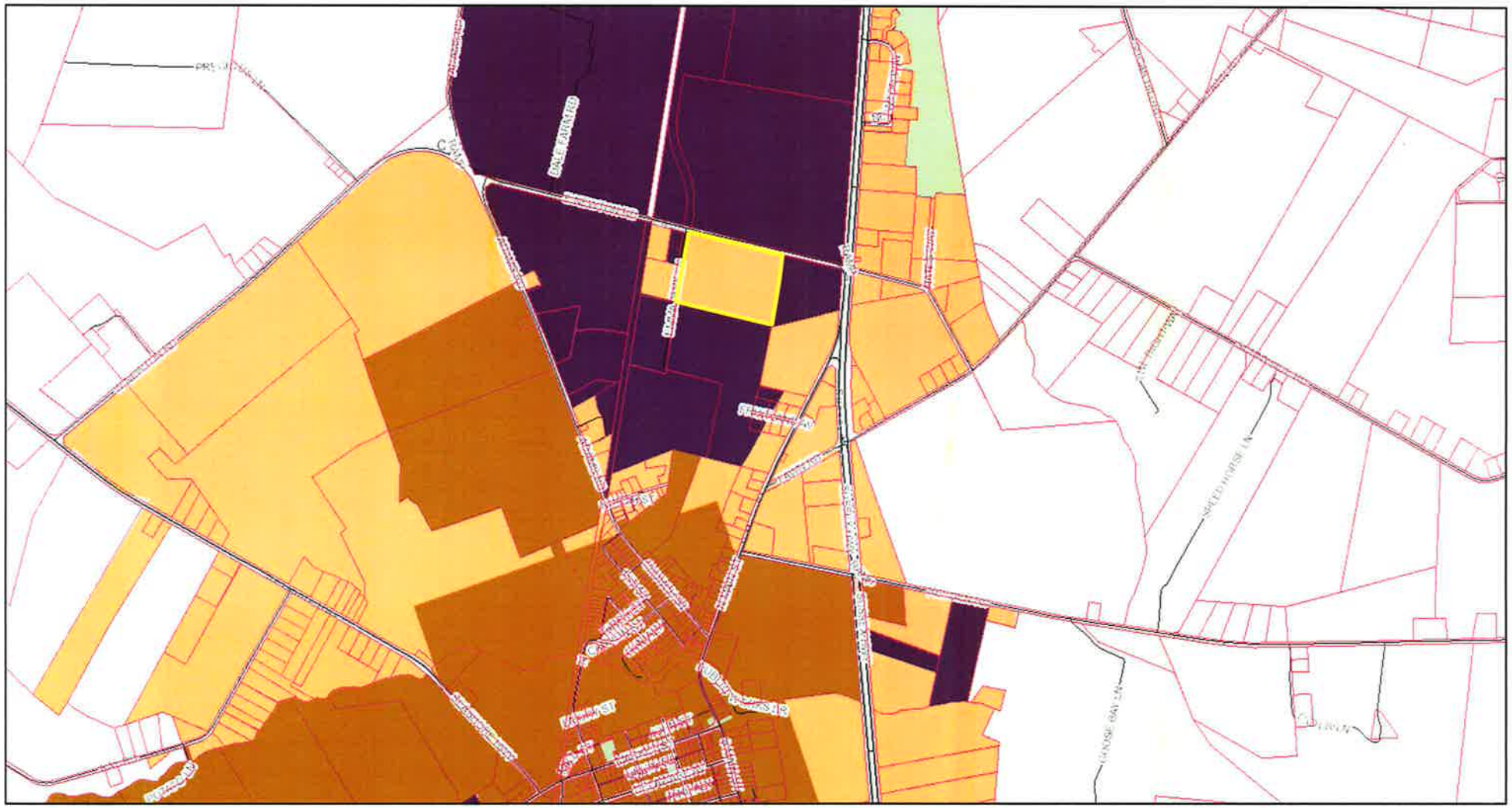
Light Industrial - LI-2

Heavy Industrial - HI-1

County Boundaries

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

Sussex County



August 29, 2020

- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Communities
- Public Protected Lands
- Geographic Names
- 2019 Future Land Use
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center
- Municipal Boundaries

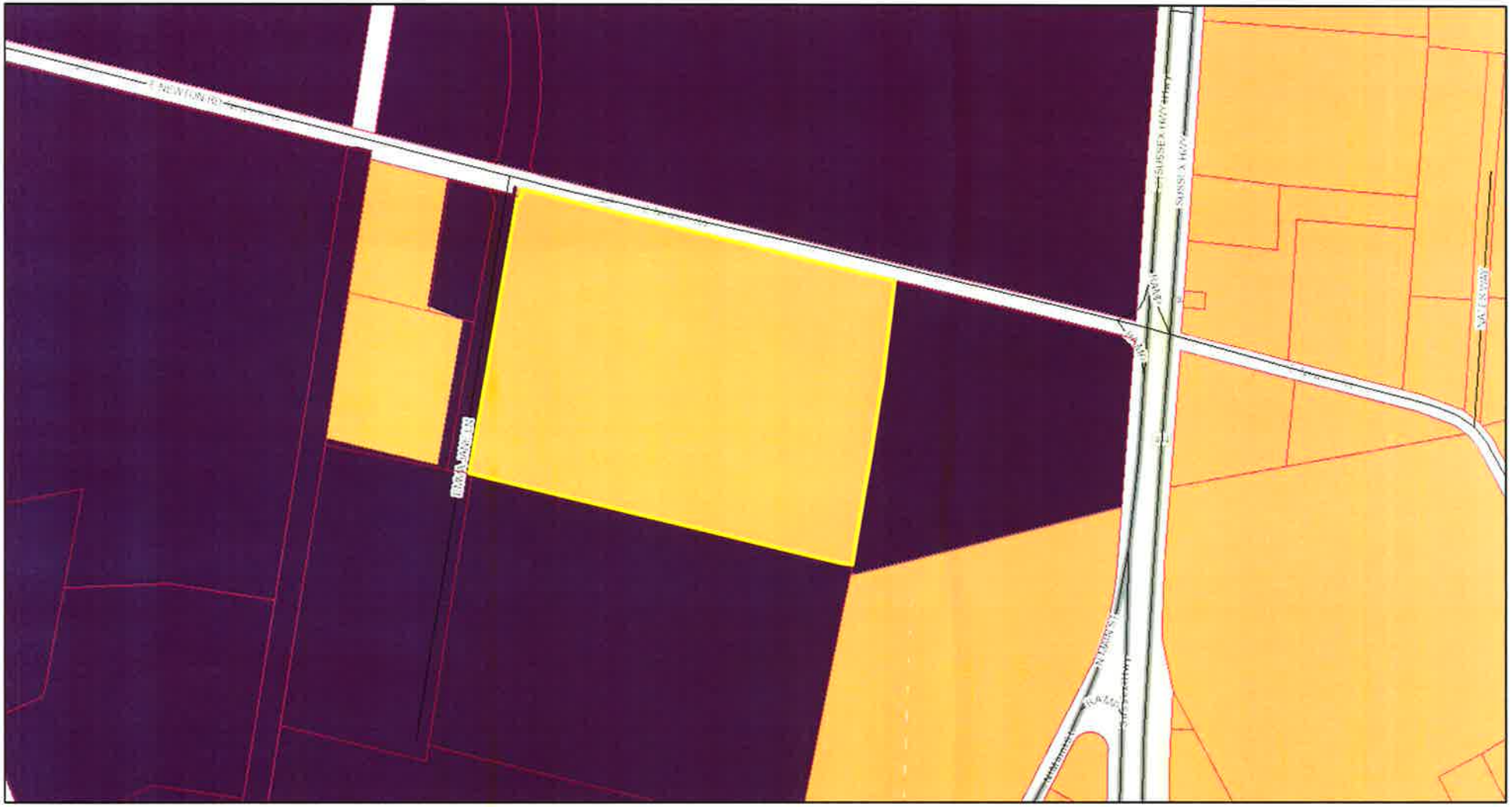
1:18,056

0 0.17 0.35 0.7 mi

0 0.28 0.55 1.1 km

Delaware Geological Survey, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, FirstMap

Sussex County



August 29, 2020

Override 1

Override 1

Tax Parcels

Streets

County Boundaries

2019 Future Land Use

Low Density

Coastal Area

Commercial

Developing Area

Existing Development Area

Industrial

Municipalities

Town Center

1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County

August 29, 2020

Override 1
Override 1
Tax Parcels
Streets
County Boundaries
Communities
Public Protected Lands
Geographic Names
Municipal Boundaries

1:18,056

0 0.17 0.35 0.7 mi
0 0.28 0.55 1.1 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Delaware Geological Survey, Sussex County Government, FirstMap

Sussex County

August 29, 2020

- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government

Tab “6”

National Flood Hazard Layer FIRMette

FEMA

75°36'15"W 38°45'47"N

75°35'38"W 38°45'19"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

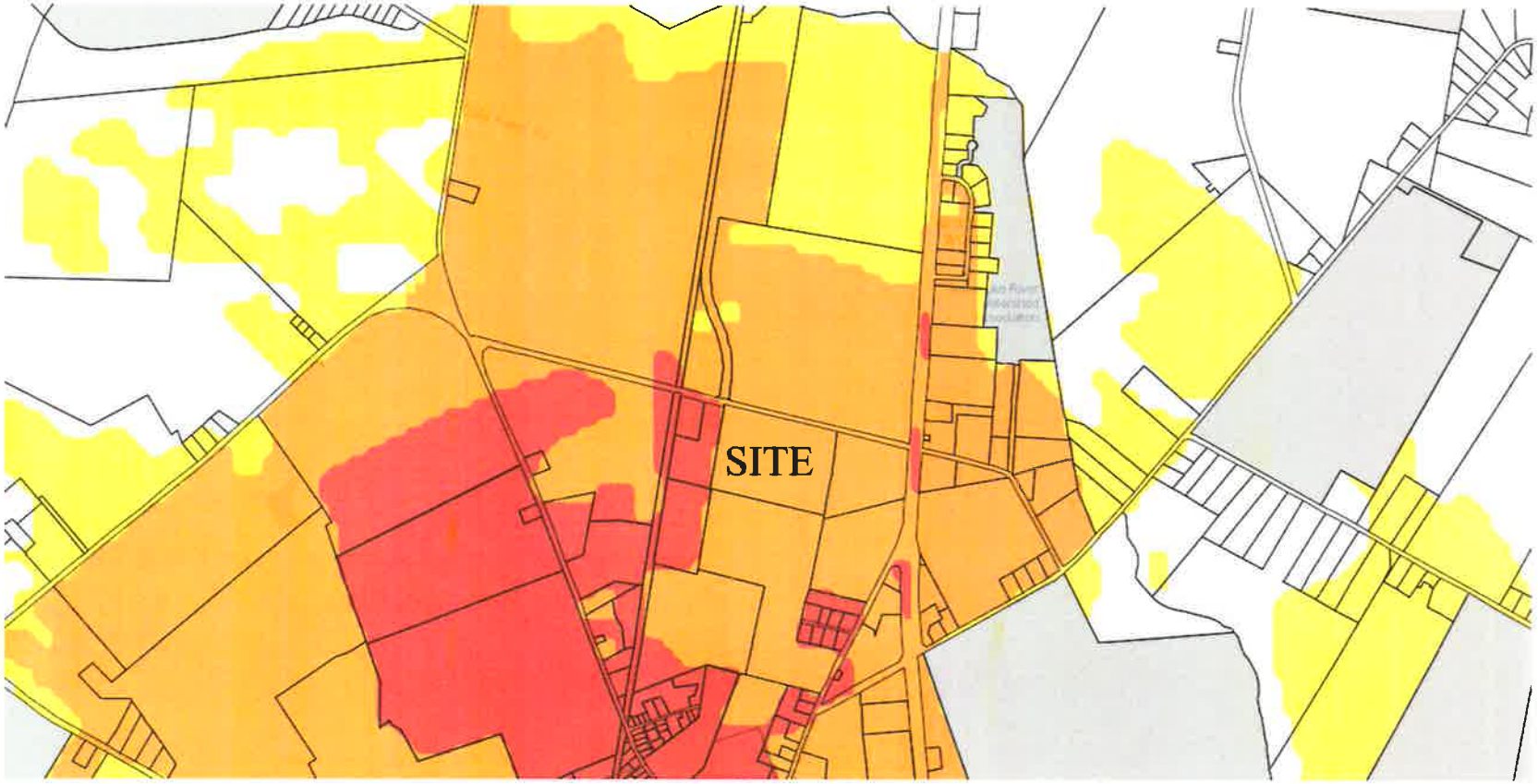
The pin displayed on the map is an approximat point selected by the user and does not represe an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/29/2020 at 10:57 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Tab “7”



DE_State_Strategies_2020

2020 State Strategies

- 1
- 2
- 3
- 4
- Out of Play

DELAWARE STATE STRATEGIES MAP 2020

11998912/1

Tab “8”

INTERSECTION of SR404/US 113

Eastern Boundary (O.A. Newton)

Western Boundary (Emma Jane Lane)

Tab “9”

Miller Metal Fabricating

Architectural Renderings

11998920/1


Miller Metal

12000962/1

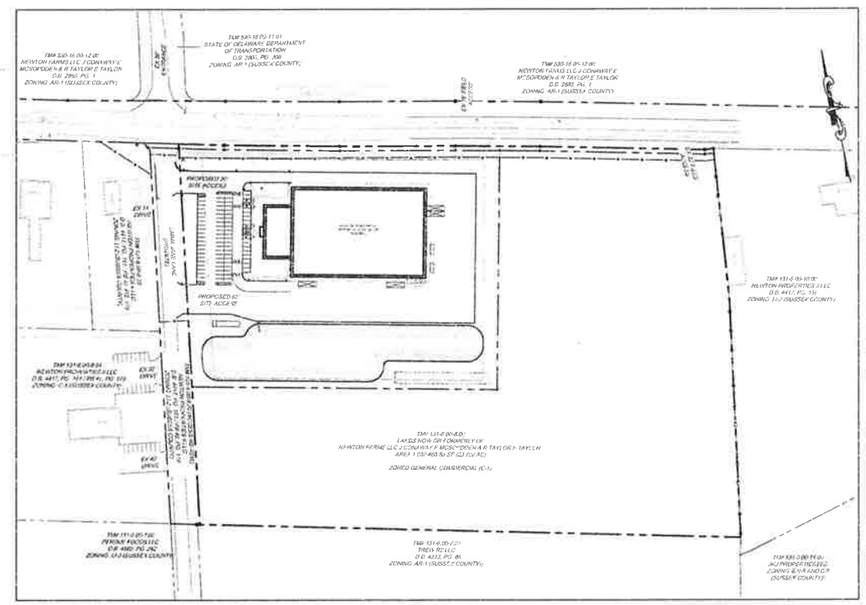
MILLERMETAL FABRICATION FACILITY

SUSSEX COUNTY PROJECT REFERENCE # S-20-17

PRELIMINARY SITE PLANS

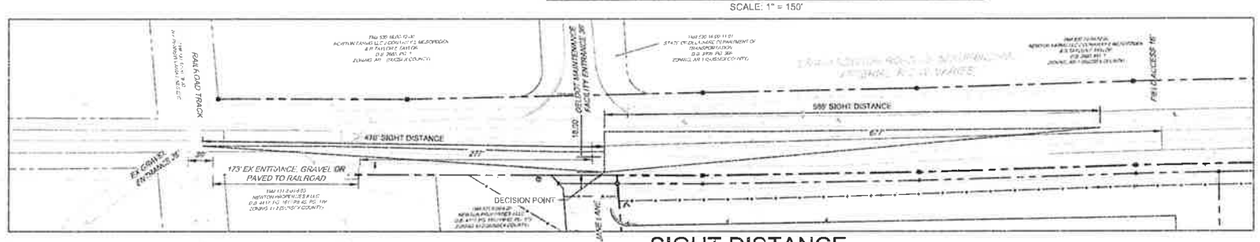
LEGEND

	EXISTING	PROPOSED
PROPERTY LINE / RIGHT OF WAY		
ADJOINING PROPERTY LINE		
BUILDING RESTRICTION LINE		
EASEMENT		
CENTER LINE OF ROAD		
EDGE OF PAVING		
CURB		
DRIVEWAY		
CONTOURS		
SWALE		
LIMIT OF CONSTRUCTION		LOC LOC LOC LOC
WETLANDS LINE AND FLAG	NW NW NW	
FLOODPLAIN	FP FP FP	
SOILS DESIGNATION	MmA	
SOIL BORING		
WOODS		
FENCE		
SIDEWALK		
SHARED USE PATH		
BUILDING		
UTILITY POLE/GUY WIRE		
OVERHEAD ELECTRIC	OHE OHE OHE	
CABLE TV, PEDESTAL OR HAND HOLE	CT	
TRAFFIC SIGN		
SINGLE & TWIN HEAD SITE LIGHT		
ELECTRICAL HAND HOLE AND TRANSFORMER	E XF	
FIBER OPTIC HAND HOLE	FO	
WATER MAIN, FIRE HYDRANT, VALVE, SERVICE ASSEMBLY AND METER PIT	W FH W W W	W FH V W
SEWER MAIN, MANHOLE, & CLEANOUT	S MH C.O. S S	S MH C.O. S S
SANITARY SEWER FORCEMAIN	FM FM FM FM FM FM	FM FM FM
UNDERGROUND ELECTRIC	E E E E	
UNDERGROUND GAS	GM GM GM GM GM	
UNDERGROUND FIBER OPTIC	FO FO FO	
TELEPHONE LINE	T T T T	
STORM WATER PIPE, MH, AND CB		



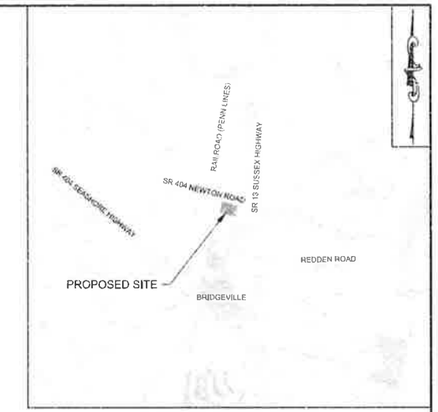
SITE OVERVIEW & ADJACENT ZONING

SCALE: 1" = 150'



SIGHT DISTANCE

SCALE: 1" = 80'



LOCATION MAP

SCALE: 1" = 1 MILE

SOILS & FLOODPLAIN MAP

ENTIRE AREA IS ZONE X PER PANEL # 10005C0115K (MARCH 16, 2015)

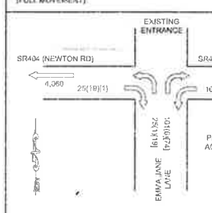
SCALE: 1" = 500'

SYMBOL	NAME	SOIL GROUP
HoA	HAMBROOK SANDY LOAM, 0 TO 2 PERCENT SLOPES	B
HaA	HAMMONTON-FALLSINGTON-MALLICA COMPLEX, 0 TO 2 PERCENT SLOPES	B
SaA	SASSAFRAS SANDY LOAM, 0 TO 2 PERCENT SLOPES	B

CALL Miss Utility of Delmarva
BEFORE YOU DIG
800-282-8555 or 811

TRAFFIC GENERATION - SR404 NEWTON RD (S 582)

(FULL MOVEMENT)



TRAFFIC GENERATION DIAGRAM

ADT (AM PEAK) (PM PEAK)

ROAD TRAFFIC DATA:

FUNCTIONAL CLASSIFICATION = SR404 (NEWTON RD) - PRINCIPAL ARTERIAL
POSTED SPEED LIMIT = 45 MPH
AADT = 6,783 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
10 YEAR PROJECTED AADT = 1.16 x 6,783 = 7,868 TRIPS
10 YEAR PROJECTED AADT + SITE ADT = 7,868 + 252 = 8,120 TRIPS
TRAFFIC PATTERN GROUP = 5 (FROM 2019 DELDOT TRAFFIC SUMMARY)
PEAK HOUR = 11.33% x 8,120 TRIPS = 914 TRIPS
DIRECTIONAL DISTRIBUTION SR404 (NEWTON RD):
50% TO THE WEST = 4,121
50% TO THE EAST = 4,121

SITE TRAFFIC DATA:

SOURCE: SITE TRAFFIC PROVIDED BY MILLERMETAL FABRICATION, INC. & OLD DOMINION FREIGHT LINE. (OLD DOMINION FREIGHT LINE TRIPS EXISTING SITE ADT: 252 TRIPS (204 MILLERMETAL, 48 OLD DOMINION)
ONE ENTRANCE = FULL MOVEMENT
DESIGN VEHICLE = WB-40
DIRECTIONAL DISTRIBUTION:
80% TO & FROM THE EAST = 252 * 80% = 202
20% TO & FROM THE WEST = 252 * 20% = 48
MORNING PEAK: 93% / 7% IN/OUT MORNING PEAK HOUR SPLIT
100 TRIPS: 93 IN / 7 OUT
EVENING PEAK: 7% / 93% IN/OUT EVENING PEAK HOUR SPLIT
100 TRIPS: 7 IN / 93 OUT
10% TRUCKS = 10% * 252 = 25

PROJECT TEAM

OWNER/DEVELOPER:
MILLERMETAL FABRICATION, INC.
8600 E NEWTON ROAD
BRIDGEVILLE, DE 19960
(302) 337-2291

SITE PLANER, ENGINEER, AND SURVEYOR:
SITEWORKS ENGINEERING
19 COMMERCE STREET
HARRINGTON, DE 19952
(302) 841-7901

GEOTECHNICAL ENGINEER
GEOTECHNOLOGY ASSOCIATES
21133 STERLING AVENUE, UNIT 7
GEORGETOWN, DE 19947
(302) 586-9761

INDEX OF DRAWINGS

LIMIT OF DISTURBANCE: ±9.4 ACRES

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

NEWTON FARMS LLC. DATE
PO BOX 397
BRIDGEVILLE, DE 19933

OWNER(S) CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

NEWTON PROPERTIES II LLC. DATE
PO BOX 397
BRIDGEVILLE, DE 19933

ENGINEERS CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVID M. HEATWOLE, P.E. (DE LICENSE NO. #17796) DATE
19 COMMERCE STREET
HARRINGTON, DE 19952

DEVELOPER'S CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM THE DEVELOPER OF "PARCEL A" DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

MILLERMETAL FABRICATION, INC. DATE
8600 E NEWTON ROAD
BRIDGEVILLE, DE 19933

SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST. HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN COVER SHEET

MILLERMETAL FABRICATION FACILITY
TAX PARCEL NO. 131-6.00-8.00
SR 404 NEWTON ROAD (S 582)
NORTHWEST FORK HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

5/7/20 - SUSSEX COUNTY P&Z
7/2/20 - DELDOT
7/7/20 - STATE FIRE MARSHAL
7/10/20 - SUSSEX CONSERVATION
8/28/20 - DELDOT

SCALE	PROJECT #	DRAWN BY
AS NOTED	MMF2001	DMH

DRAWING NUMBER

R-1

DELDOT RECORD PLAN NOTES

REVISED MARCH 21, 2019

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.

2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.

3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.

4. UPON COMPLETION OF THE CONSTRUCTION OF THE SHAREDUSE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS, SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.

5. PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION, OR BOTH. (TITLE 17 §131), DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.

6. THE SHARE USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THE SHARED USE PATH.

7. ALL LOTS SHALL HAVE ACCESS FROM INTERNAL STREETS.

8. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.

9. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.

10. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.

11. THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG NEWTON ROAD, ROUTE 404, WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPLE ARTERIAL AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM) IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT, FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION. ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE. SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND-USES (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6.3-A: NOISE ABATEMENT CRITERIA). WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON-RESIDENTIAL USES AS SHOWN IN DCM FIGURE 3.6.3-A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION. RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS, THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR RIGTH.

12. IN ACCORDANCE WITH A DELDOT MEMORANDUM FROM TROY BRESTEL, PROJECT ENGINEER, DATED SEPTEMBER 6, 2016, THE MILLERMETAL FABRICATION FACILITY PROJECT MEETS DELDOT'S VOLUME WARRANTS TO PAY THE AREA WIDE STUDY FEE IN LIEU OF DOING A TRAFFIC IMPACT STUDY (TIS) AND THERE ARE NO OFF-SITE IMPROVEMENTS THAT THE DEVELOPER WILL BE REQUIRED TO MAKE OR PARTICIPATE IN.

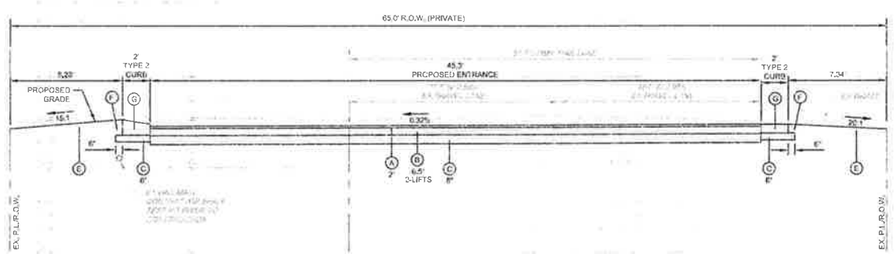
SITE DATA:

1.	TAX MAP NUMBER(S)	131-6.00-8.00 & 131-6.00-8.06
2.	PARCEL 131-6.00-8.00 OWNER GROSS PROPERTY AREA AREA DEDICATED TO DELDOT PARCEL AREA / NET DEVELOPMENT AREA: RESIDUAL PROPERTY AREA	 NEWTON FARMS LLC, J CONAWAY, & E MCSOPDDEN 23.792 ACRES 0.274 ACRES 8.592 ACRES (PARCEL A) 14.926 ACRES (REMAINING LANDS)
	PARCEL 131-6.00-8.06 OWNER GROSS PROPERTY AREA: AREA DEDICATED TO DELDOT REMAINING LANDS	 NEWTON PROPERTIES II LLC 1.273 ACRES 0.017 ACRES 1.256 ACRES
3.	EXISTING & PROPOSED LOTS	1 EXISTING - 2 PROPOSED
4.	DEVELOPER NAME:	MILLERMETAL FABRICATION, INC. NEWTON PROPERTIES II, LLC
5.	PROPERTY ADDRESS:	8500 NEWTON ROAD BRIDGEVILLE, DE 19966
6.	GOVERNMENTAL ENTITY RESPONSIBLE FOR LAND USE APPROVAL:	SUSSEX COUNTY
7.	HUNDRED/COUNTY:	NORTHWEST FORK HUNDRED / SUSSEX COUNTY
8.	CURRENT ZONING:	C-1 - GENERAL COMMERCIAL
9.	PROPOSED ZONING	LI-2 - LIMITED INDUSTRIAL 2
10.	PRESENT USE:	TILLED CROPS
11.	PROPOSED USE:	METAL FABRICATION SHOP
12.	GROSS LEASABLE FLOOR AREA:	67,320 SF
13.	MINIMUM LOT SIZE:	AREA = 1 ACRES WIDTH = 150 FEET DEPTH = 200 FEET
14.	REQUIRED LI-2 SETBACKS (B.R.L.):	FRONT: 50-FEET SIDE: 20-FEET REAR: 20-FEET
15.	MAXIMUM HEIGHT REQUIREMENT: PROPOSED HEIGHT:	52-FEET ~32-FEET
16.	REQUIRED PARKING	1 FOR EVERY TWO EMPLOYEES ON THE MAJOR SHIFT (MANUFACTURING) EMPLOYEES ON MAJOR SHIFT (81) PARKING SPACES REQUIRED = 41 PARKING SPACES PROVIDED = 60
17.	LOADING SPACE REQUIRED LOADING SPACED PROVIDED	4 SPACES 4 SPACES
18.	WATER SUPPLIER:	ON-SITE WELL
19.	SANITARY SEWER PROVIDER	ON-SITE WASTEWATER DISPOSAL SYSTEM
20.	PROJECT DATUM HORIZONTAL: VERTICAL:	 NAD 83 NAVD88
21.	FEMA FLOOD MAP: PER FEMA FLOOD MAP 10005C0115K EFFECTIVE 3/18/2015, THE SITE IS NOT SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.	
22.	POSTED SPEED LIMIT FOR E NEWTON RD (SCR 282):	45 MPH
23.	2015 STATE INVESTMENT AREA:	LEVEL 2
24.	LATITUDE AND LONGITUDE STATE PLAN COORDINATES: LATITUDE: N 38° 45' 36" LONGITUDE: W 75° 35' 59"	
25.	WETLAND AREA	0.00 ACRES
26.	PROPOSED DISCHARGE LOCATION:	INFILTRATION / EX CLOSED DRAINAGE
27.	PROXIMITY TO T.I.D.:	NOT WITHIN AN IDENTIFIED TID
28.	LIMIT OF DISTURBANCE:	9.4 ACRES
29.	WATERSHED:	NANTICOKE RIVER

TYPICAL SECTION LEGEND

- (A) ITEM 401005 - SUPERPAVE TYPE C, PG 70-22, CARBONATE STONE
- (B) ITEM 401015 - SUPERPAVE TYPE B, PG 70-22
- (C) ITEM 301001 - GRADED AGGREGATE BASE COURSE, TYPE B
- (D) ITEM 903020 - EROSION CONTROL BLANKET MULCH, TYPE 3 FOR 1 ROLL WITH MINIMUM 6' OF WIDTH
- (E) ITEM 908004 - TOPSOIL, 6" DEPTH OR
ITEM 608010 - TOPSOILING, 6" DEPTH
ITEM 908014 - PERMANENT GRASS SEEDING, DRY GROUND
- (F) ITEM 206006 - BORROW, TYPE F
- (G) ITEM 701014 - PORTLAND CEMENT CONCRETE CURB - TYPE 2 (PER DELDOT STANDARD DETAIL C-1)
- (H) TAPER MILL AND OVERLAY TO FINAL GRADE
- (I) NOT USED
- (J) SAFETY EDGE (PER DELDOT STANDARD DETAIL P-6)
- (K) ITEM 401005 - SUPERPAVE TYPE C, PG 64-22 (CARBONATE STONE)

NOTE: SUBGRADE SHALL BE PREPARED IN ACCORDANCE WITH DELDOT STANDARD SPECIFICATIONS.



EMMA JANE LANE ENTRANCE SECTION

SCALE: 1" = 5'

GENERAL NOTES:

1. ALL KNOWN EASEMENTS ARE SHOWN ON THE PLAN; HOWEVER, THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY.
2. THE ITEMS DEPICTED ON THE FINAL SITE PLAN ARE FOR ILLUSTRATIVE AND OUTLINE PURPOSES ONLY. THE GENERAL LOCATION AND DIMENSIONS OF ITEMS DEPICTED ON THE FINAL SITE PLAN MAY BE SUPERCEDED BY APPROVED / REVISED CONSTRUCTION DRAWINGS, BUILDING PERMIT DRAWINGS AND OTHER MODIFICATIONS THERETO APPROVED BY THE AUTHORITIES HAVING JURISDICTION AT THE SOLE DISCRETION OF THE DEVELOPER INCLUDING THE DEVELOPER'S SUCCESSORS AND ASSIGNS.
3. ALL LIGHTING SHALL BE DOWNWARD SCREENED TO MINIMIZE GLARE ON SURROUNDING RESIDENTIAL PROPERTIES.
4. THE PROPOSED SIGN IS NOT APPROVED AS PART OF THIS SITE PLAN. A SEPARATE SUSSEX COUNTY PERMIT IS REQUIRED.

SITE WORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN NOTES

MILLERMETAL FABRICATION FACILITY
TAX PARCEL NO. 131-6.00-8.00
SR 404 NEWTON ROAD (S 582)
NORTHWEST FORK HUNDRED, SUSSEX COUNTY

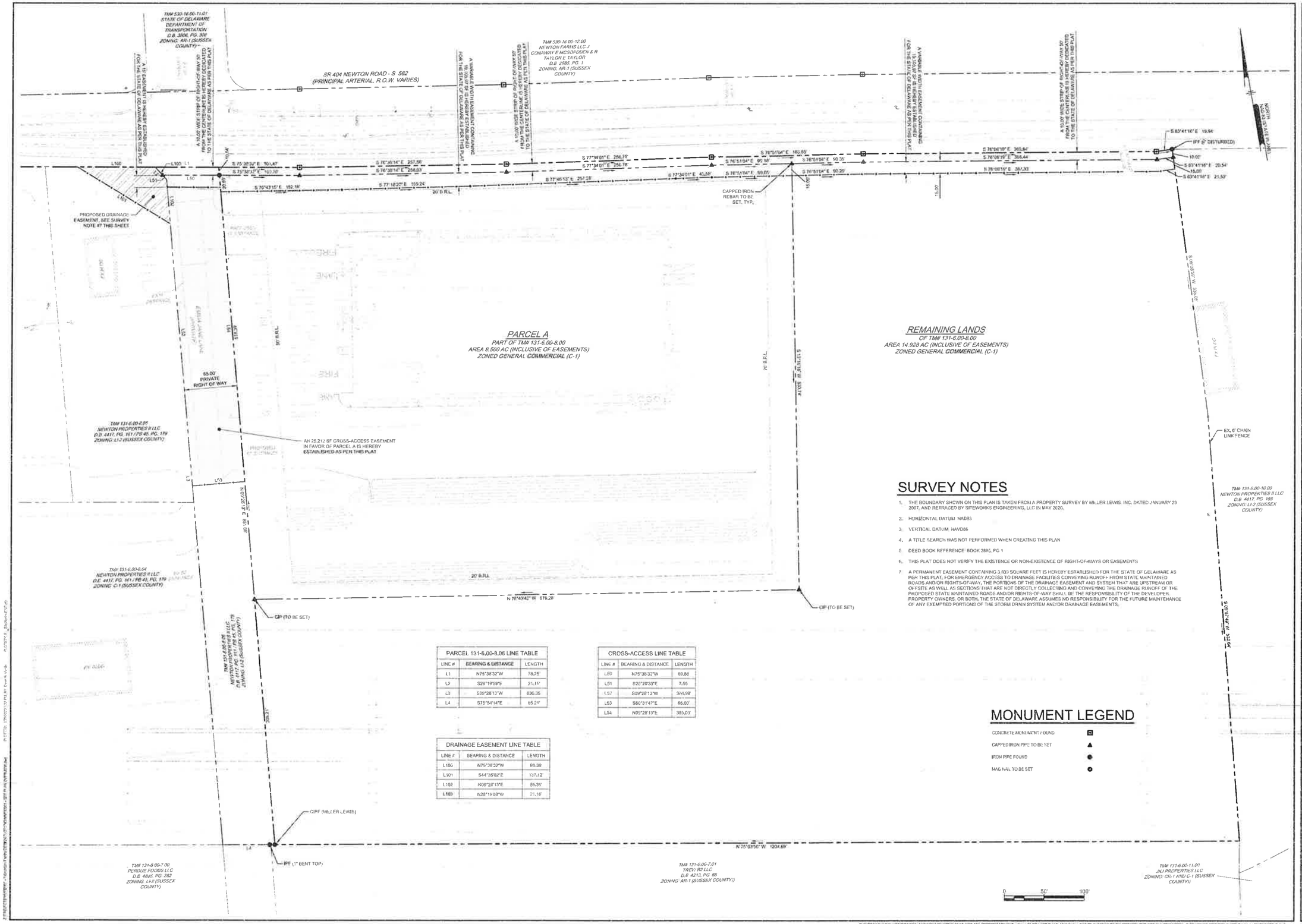
ISSUE / REVISION BLOCK

5/7/20 - SUSSEX COUNTY PSZ
7/2/20 - DELDOT
7/7/20 - STATE FIRE MARSHAL
7/10/20 - SUSSEX CONSERVATION
8/26/20 - DELDOT

SCALE	PROJECT #	DRAWN BY
AS NOTED	MMF12001	DMH

DRAWING NUMBER

R-2



SURVEY NOTES

1. THE BOUNDARY SHOWN ON THIS PLAN IS TAKEN FROM A PROPERTY SURVEY BY MILLER LEWIS, INC. DATED JANUARY 23 2007, AND RETRACED BY SITEWORKS ENGINEERING, LLC IN MAY 2020.
2. HORIZONTAL DATUM: NAD83
3. VERTICAL DATUM: NAVD88
4. A TITLE SEARCH WAS NOT PERFORMED WHEN CREATING THIS PLAN
5. DEED BOOK REFERENCE: BOOK 2885, PG 1
6. THIS PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS
7. A PERMANENT EASEMENT CONTAINING 3,830 SQUARE FEET IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPTED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.

PARCEL 131-6.00-8.06 LINE TABLE

LINE #	BEARING & DISTANCE	LENGTH
L1	N75°38'32"W	78.25'
L2	S28°19'59"E	21.16'
L3	S09°28'13"W	836.35
L4	S75°54'14"E	65.21'

CROSS-ACCESS LINE TABLE

LINE #	BEARING & DISTANCE	LENGTH
L50	N75°38'32"W	68.86
L51	S20°20'33"E	7.55
L52	S09°28'13"W	344.99
L53	S80°31'47"E	65.00'
L54	N09°28'13"E	385.00

DRAINAGE EASEMENT LINE TABLE

LINE #	BEARING & DISTANCE	LENGTH
L100	N75°38'32"W	89.39
L101	S44°35'02"E	137.12'
L102	N09°28'13"E	55.35'
L103	N28°19'59"W	21.16'

MONUMENT LEGEND

- CONCRETE MONUMENT FOUND
- CAPPED IRON PIPE TO BE SET
- IRON PIPE FOUND
- MAG NAIL TO BE SET

SITEWORKS ENGINEERING
PO BOX 212 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

SUBDIVISION PLAN

MILLERMETAL FABRICATION FACILITY

TAX PARCEL NO. 131-6.00-8.00
SR 404 NEWTON ROAD (S 582)
NORTHWEST FORK HUNDRED, SUSSEX COUNTY

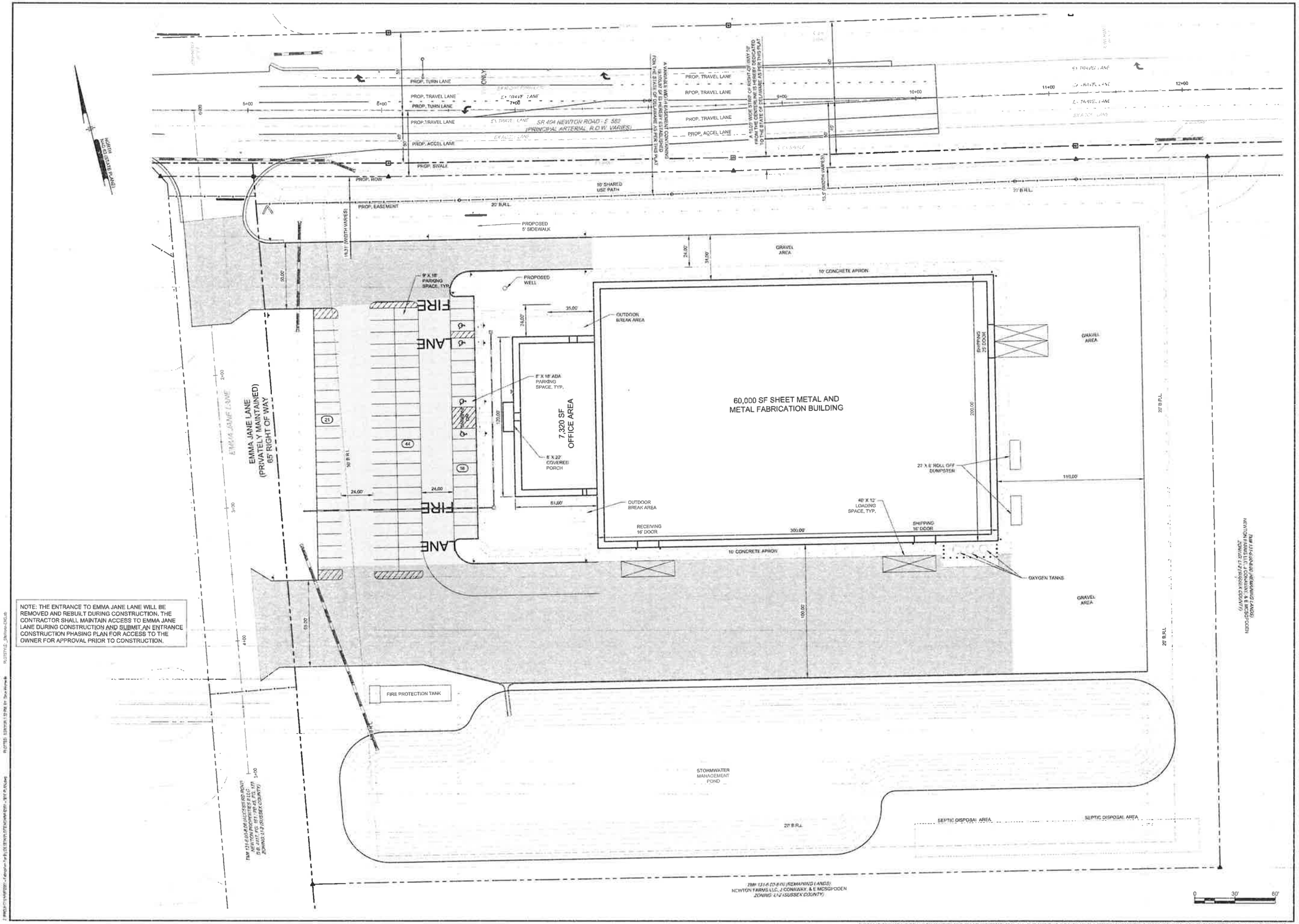
ISSUE / REVISION BLOCK

5/7/20 - SUSSEX COUNTY P&Z
7/2/20 - DELDOT
7/7/20 - STATE FIRE MARSHAL
7/10/20 - SUSSEX CONSERVATION
8/26/20 - DELDOT

SCALE	PROJECT #	DRAWN BY
1" = 50'	SMM2001	DRH

DRAWING NUMBER

R-3



SITEWORKS ENGINEERING
PO BOX 2 | 19 COMMERCE ST, HARRINGTON, DE 19952 Phone: (302) 841-7901

PRELIMINARY SITE PLAN

MILLERMETAL FABRICATION FACILITY

TAX PARCEL NO. 131-6.00-8.00
SR 404 NEWTON ROAD (S 582)
NORTHWEST FORK HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

6/7/20 - SUSSEX COUNTY P&Z
7/2/20 - DELDOT
7/7/20 - STATE FIRE MARSHAL
7/10/20 - SUSSEX CONSERVATION
8/28/20 - DELDOT

SCALE	PROJECT #	DRAWN BY
1" = 30'	MMF-0001	DMH

DRAWING NUMBER

R-4

Tab “10”

PROPOSED FINDINGS OF FACTS
C/Z 1919

1. This is an application to amend the comprehensive zoning map from C-1 (General Commercial District) to LI-2 (Light Industrial District) for 23.7021± acres located in Northwest Fork Hundred, Sussex County, being situated along the south side of E. Newton Road (Delaware Route 404), approximately 791 feet West of Sussex Highway (U.S. Route 13), also being known and designated as Sussex County Tax District 131, Map 6.00, Parcel 8.00.

2. The applicant and owner of the property is Newton Farms, LLC, a Delaware limited liability company.

3. The property is unimproved and is currently used for agricultural purposes (farming).

4. The intended use of the site will be for manufacturing, light industrial and flex space for related uses.

5. In the 2019 Sussex County Comprehensive Plan update, the property is identified for purposes of future land use as being in a Developing Area. The property is surrounded by areas designated on the Future Land Use Map as being within the Industrial Area. The Developing Area is a Growth Area and Table 4.5-2 titled "Zoning Districts Applicable to Future Land Use Categories" identifies LI-2 (Light Industrial District) as an applicable zoning district for the Developing Area.

6. The guidelines for future growth in the Developing Area states within the permitted uses for this Area that "[p]ortions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks."

7. The property has good road access being located along SR404 (Newton Road) a Principal Arterial. There are only a few homes in the area. Further, the property is surrounded by areas designated on the Future Land Use Map as being in the Industrial Area.

8. The 2020 Delaware Strategies for State Policies and Spending identify the property as Investment Level 2, which are areas that "have been shown to be the most active portion of Delaware's developed landscape" where "state investments and policies should support and encourage a wide range of uses" and "is the priority for job creation and retention."

9. The purpose of the LI-2 Light Industrial District is to "provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by major thoroughfares or railroads. Commercial uses and open storage of materials are permitted, but new residential development is excluded." The intended use of the property are consistent with these permitted uses.

10. The Site is not within a floodplain based upon FEMA Map Number 10005C0115K, dated March 16, 2015, the entire property is located in an area designated as Zone "X" (unshaded), which is an area determined to be outside the 500-year floodplain.

11. There are no wetlands located on the property.

12. The property is located on Delaware Route 404 (East Newton Road), a principal arterial, a place where the Zoning Code and Comprehensive Plan encourage growth and industrial-style uses, and one of Sussex County's primary east-west travel routes.

13. The property is less than 800 feet from U.S. Route 13 (Sussex Highway) one of Sussex County's primary north-south travel routes.

14. In the immediate area there exist numerous industrial and commercial uses which are similar to the proposed use(s) for this property.

15. DelDOT responded to the Service Level Evaluation Request and stated that the proposed project will have a Minor impact on the local area roadways and, pursuant to the Development Coordination Manual, the applicant can pay an Area-Wide Study Fee in lieu of a Traffic Impact Study.

16. The property will be served by private (on-site) wells for domestic use and fire protection subject to the review and approval of the Delaware State Department of Natural Resources and Environmental Control and the Delaware Division of Public Health.

17. The property will be served by a private (on-site) wastewater disposal system subject to the Delaware State Department of Natural Resources and Environmental Control's regulations governing the design, installation and operation of on-site wastewater treatment and disposal systems.

18. As a part of site plan approval for any future use, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from any land disturbance activity on site.

19. The proposed LI-2 (Light Industrial District) zoning classification is in character with the nature of the area, will not adversely affect the neighboring and adjacent properties, and is consistent with the purpose of the LI-2 zoning district and the character and trend of development along E. Newton Road.

20. The proposed project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.

21. All factors have been considered and the proposed LI-2 (Light Industrial District) classification meets the purposes and goals of the County's Comprehensive Plan and its Zoning Code. The addition of areas for light manufacturing, fabricating, processing, wholesale distributing and warehousing permitted in the LI-2 (Light Industrial District) zoning district is appropriate for and consistent with this area along Delaware Route 404. As a result, the proposed LI-2 (Light Industrial District) classification is consistent with the Sussex County Comprehensive Land Use Plan.