

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

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, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: December 16th, 2021

Application: CU 2277 Avalon Woods Owners Association, Inc.

Applicant: Avalon Woods Owners Association, Inc. c/o Gary Williams, President
28706 Avalon Drive
Georgetown, DE 19947

Owner: Avalon Woods Owners Association, Inc.
28706 Avalon Drive
Georgetown, DE 19947

Site Location: 28706 Avalon Drive – the property is located on the southwest side of Avalon Drive within the existing Avalon Woods Subdivision, approximately 0.25 mile south of Avalon Road (S.C.R. 302A).

Current Zoning: Agricultural Residential (AR-1) Zoning District & General Residential (GR) Zoning District (split-zoned)

Proposed Use: To designate Lot 39, Block A within the existing Avalon Woods Subdivision as Open Space and to allow for a shed amenity

Comprehensive Land
Use Plan Reference: Existing Development Area & Low-Density Area

Councilmanic
District: Mr. Schaeffer

School District: Indian River School District

Fire District: Millsboro Fire Department

Sewer: N/A

Water: N/A

Site Area: 0.42 acres +/-

Tax Map ID.: 234-15.00-81.00





Sussex County



PIN:	234-15.00-81.00	
Owner Name	AVALON OWNERS ASSOCIATION INC	WOODS
Book	2474	
Mailing Address	28076 AVALON DR	
City	GEORGETOWN	
State	DE	
Description	AVALON PARK	
Description 2	LOT 39	
Description 3	N/A	
Land Code		

polygonLayer

Override 1

polygonLayer

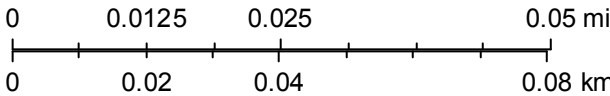
Override 1

⋮ Tax Parcels
911 Address

— Streets

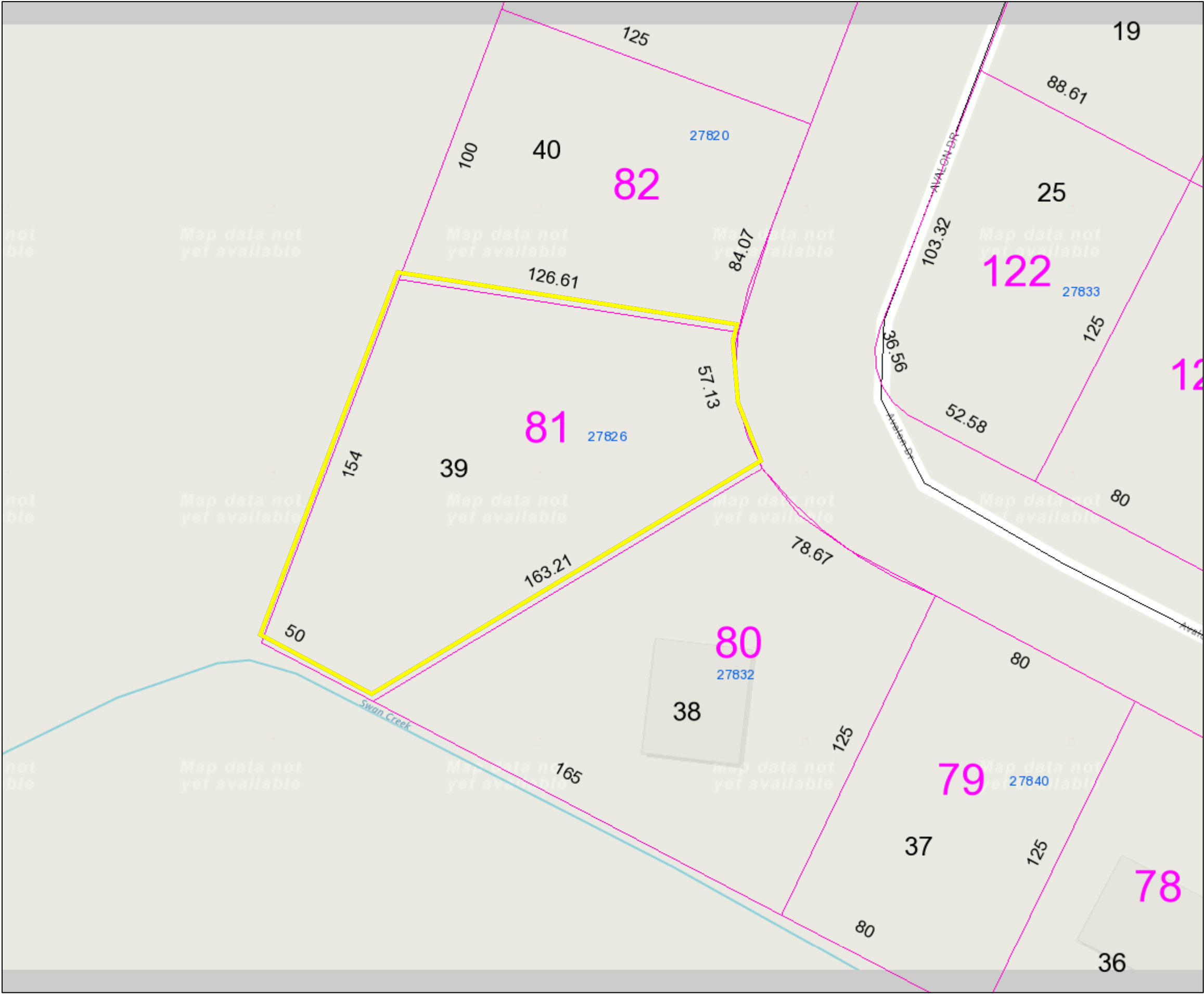
⋮ County Boundaries

1:1,128





Sussex County



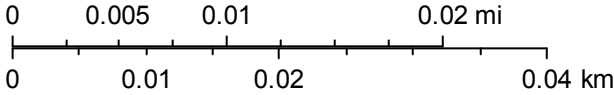
PIN:	234-15.00-81.00	
Owner Name	AVALON	WOODS OWNERS ASSOCIATION INC
Book	2474	
Mailing Address	28076 AVALON DR	
City	GEORGETOWN	
State	DE	
Description	AVALON PARK	
Description 2	LOT 39	
Description 3	N/A	
Land Code		

- polygonLayer

Override 1
- polygonLayer

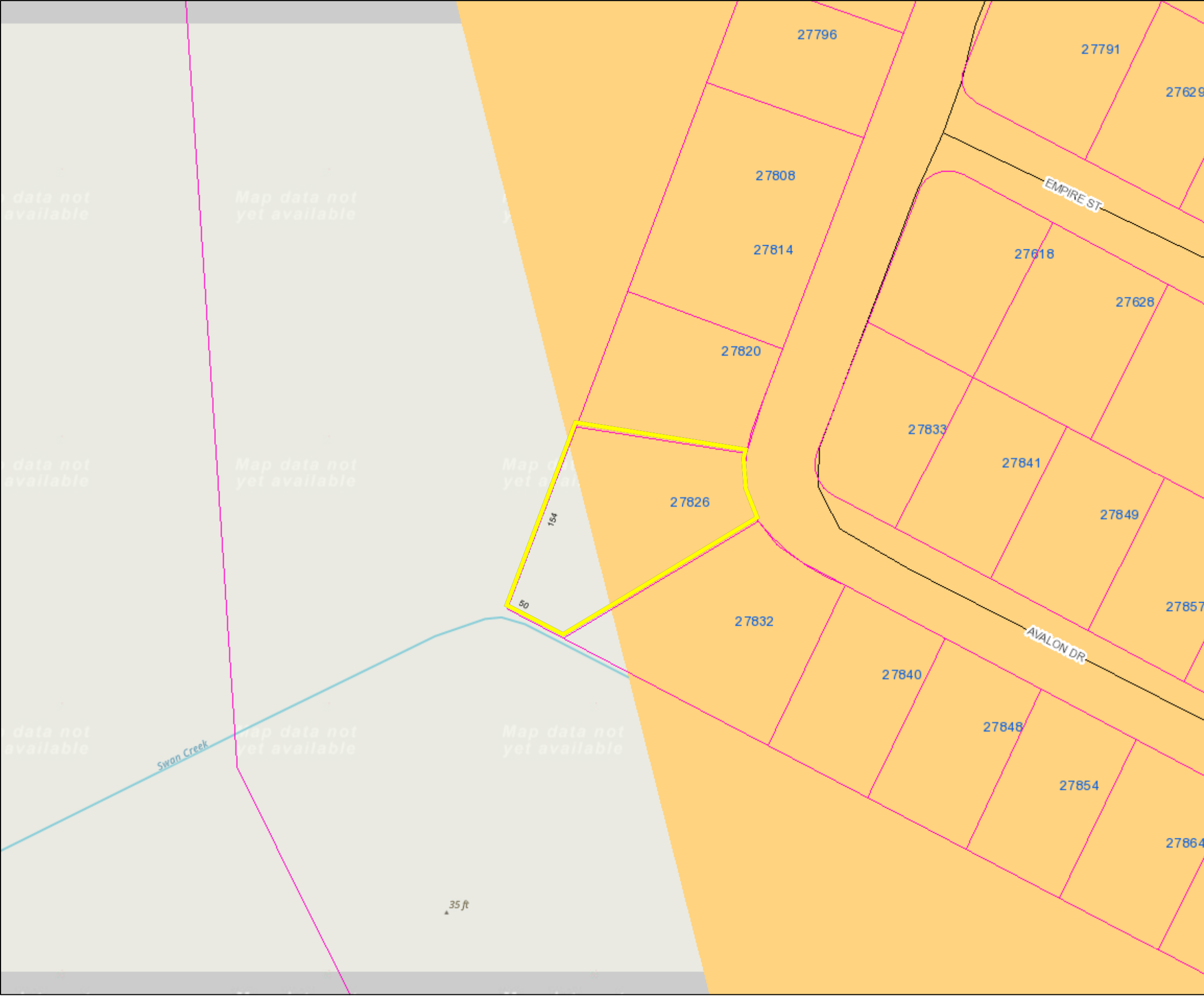
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:564





Sussex County



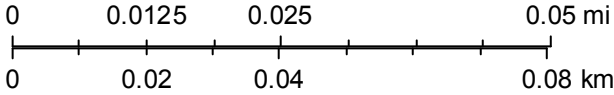
PIN:	234-15.00-81.00	
Owner Name	AVALON OWNERS ASSOCIATION INC	WOODS
Book	2474	
Mailing Address	28076 AVALON DR	
City	GEORGETOWN	
State	DE	
Description	AVALON PARK	
Description 2	LOT 39	
Description 3	N/A	
Land Code		

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets

1:1,128



File #: C/U 2277
20210449

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

Lot 39, Block A of the Avalon Park a/k/a Avalon Woods Subdivision located in Georgetown, DE 19947

Type of Conditional Use Requested:

To permit a shed to be located on the Property to provide storage for Avalon Woods Owners' Association pursuant to Municipal Code Sections 115-22 and 115-39. See also Municipal Code Section 115-14.

Tax Map #: 234-15.00-81.00

Size of Parcel(s): _____

Current Zoning: AR1/GR

Proposed Zoning: N/A

Size of Building: 12' x 24'

Land Use Classification: Residential

Water Provider: N/A

Sewer Provider: N/A

Applicant Information

Applicant Name: Avalon Woods Owners' Association c/o Gary Williams, President

Applicant Address: 28076 Avalon Drive

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 258-9824

E-mail: gman201412@gmail.com

Owner Information

Owner Name: Avalon Woods Owners' Association, Inc.

Owner Address: 28076 Avalon Drive

City: Georgetown

State: DE

Zip Code: 19947

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt LLC c/o Mackenzie M. Peet, Esq.

Agent/Attorney/Engineer Address: 1413 Savannah Road, Suite 1

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 645-2262

E-mail: mackenzie@bmbde.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.**
- ☒ **DeIDOT 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 my 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: 03/19/2021

Signature of Owner



Date: 3/22/2021

For office use only:

Date Submitted: 03/24/2021

Fee: \$500.00 Check #: 2514

Staff accepting application: Chase P 03/25

Application & Case #: CU 2277 202104449

Location of property: Lot 39, Block A, Avalon Woods, Georgetown
234-15.00-81.00

Subdivision: Avalon Woods

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

NICOLE MAJESKI
SECRETARY

March 9, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Avalon Woods** proposed land use application, which we received on March 8, 2021. This application is for an approximately .1649- acre parcel (Tax Parcel: 234-15.00-81.00). The subject land is located on the southwest corner of Avalon Drive south of the intersection with Avalon Road (Sussex Road 302A). The subject land is currently zoned AR- 1 (Agricultural Residential) and GR (General Residential) and the applicant seeks a conditional use approval to build a shed, 57 feet by 126 feet, to be used by the owners' association for storage.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Avalon Road (Sussex Road 302A), from Zoar Road (Sussex Road 48) to Johnson Road (Sussex Road 47), is 446 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 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 **diminutive** 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 diminutive with regard to warranting a TIS does not mean that it is diminutive 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.



Mr. Jamie Whitehouse
Page 2 of 2
March 9, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

cc: Avalon Woods, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review 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
Annamaria Furmato, Project Engineer, Development Coordination

10309

#02474 #229

PREPARED BY:
Richard E. Berl, Jr., P.A.
P.O. Box 487
Georgetown, DE 19947
Parcel Nos. 1-14-15-16; 2-14-15-16; 3-14-15-16; 4-14-15-16

NO TITLE SEARCH PERFORMED OR REQUESTED

DEED

THIS DEED, made this the day of March, in the year of our LORD two thousand,

BETWEEN, AVALON ASSOCIATES, INC., a Delaware Corporation, of P.O. Box 357, Newark, Delaware 19715, party of the first part.

AND

AVALON WOODS OWNERS ASSOCIATION, INC., a Delaware Corporation, of 12 Empire Street, Georgetown, Delaware 19947, 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 said of the second part, their heirs and assigns,

TRACT 1:

ALL THOSE CERTAIN lots, pieces and parcels of land situate, lying and being in Indian River Hundred, Sussex County, Delaware, being more particularly designated as LOTS A-6, A-39, D-19 and D-20, AVALON PARK, as shown on a plot of Avalon Park, of record in the Office of the Recorder of Deeds, in and for Sussex County, in Plot Book 8, Page 751, reference thereto being had will more fully and at large appear.

TRACT 2:

ALL THOSE CERTAIN pieces or parcels of land situate, lying and being in Indian River Hundred, Sussex County, Delaware, being known as AVALON DRIVE, BRACE STREET, CELTIC STREET, DURHAM STREET, and EMPIRE STREET, and being all of the private roads and streets serving AVALON PARK, as shown on a plot of record in the Office of the Recorder of Deeds in and for Sussex County, in Plot Book 8 page 751, reference thereto being had will more fully and at large appear.

BEING part of the same lands conveyed unto Avalon Associates, Inc. by Deed of Jacob E. Brown and Francis J. Stanitski, dated December 27, 1982 and recorded in the Office

Copyright (C) 1988

Consideration : \$ 2.00 Exact Coder : 4
County Sussex State 75.00 Total 150.00
Folio 75.00 Date 04/07/2000

KLM

#02474 #230

of the Recorder of Deeds in and for Sussex County in Deed Book 1156, page 105.

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

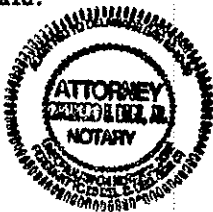
By Frank J. Hantel
President

Attest Frank J. Hantel
Secretary

STATE OF DELAWARE :
COUNTY OF SUSSEX : SS.

BE IT REMEMBERED, that on this 22 day of March, 2000, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Frank J. Hantel, President of Avalon Associates, Inc., a corporation of the State of Delaware, party of this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and Deed, and the act and Deed of the said Corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said Corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by resolution of the Board of Directors of the said Corporation.

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



Notary Public

Printed Name of Notary
My Commission Expires:

RECORDER OF DEEDS
SUSSEX COUNTY, DE

Received
APR 4 2000

00 APR -7 PM 1:19 ASSESSMENT DIVISION
SUSSEX COUNTY OF SUSSEX CTY
DOC. SURCHARGE PAID

Comp. Charge (Comp. Deed)

Richard Paul Jr.
4/26/00

40000013

13

BOOK 1156 PAGE 105

(No. 44-B)

DEED-TYPEWRITER

Printed and Sold by Hugh A. George Co., Stationers, 100 Tenth St., Wilmington, Del.

This Deed, Made this

27th day of December in the year of
our LORD one thousand nine hundred and eighty-two

BETWEEN, JACOB E. BROWN and FRANCIS J. STANITSKI, trading as
Avalon Associates, a Delaware partnership, of Post Office Box 357,
Newark, Delaware 19711, parties of the first part,

A N D

AVALON ASSOCIATES, INC., a Delaware corporation, of
Post Office Box 357, Newark, Delaware 19711, party of the second
part,

Witnesseth, That the said parties 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 grant and convey
unto the said
party of the second part, its Successors and Assigns,

ALL Those certain lots, pieces
or parcels of land situate, lying and being in Indian River Hundred,
Sussex County, Delaware, as shown on a plot of lands of "Avalon
Park", said plot being of record in the Office of the Recorder of
Deeds, in and for Sussex County, in Plot Book 8, Page 751, as
follows:

Block A - Lots 2, 5, 6, 19, and 27 through 60, inclusive;

Block B - Lots 6, 12, 16, 17, 21, 22 and 23;

Block C - Lots 2, 4, 6, 7, 8, 10, 12, 14, 15, 16, 18,
20, 22, 24 and 26;

Block D - Lots 1 through 28, inclusive; and

Block E - Lots 1 through 25, inclusive.

BEING a part of the same lands which
Kay Dee Co., a Delaware corporation, granted and conveyed unto
Jacob E. Brown and Francis J. Stanitski, trading as Avalon Associ-
ates, by deed dated October 19, 1974 and of record in the Office of
the Recorder of Deeds, aforesaid, in Deed Book 738, Page 953.

THIS TRANSFER IS SUBJECT to the terms
of a Purchase Money Mortgage of Jacob E. Brown and Mary Garrett
Brown and Francis J. Stanitski and Monica Marcella Stanitski to
Kay Dee Co., dated October 19, 1974 and of record in the Office of
the Recorder of Deeds, aforesaid, in Mortgage Book 307, Page 314,
which mortgage has been assigned to First National Bank of Frank-
ford by assignment dated January 3, 1975 and of record in Assignment
Book 14, Page 45.



In Witness Whereof, the said parties of the first part have hereunto set their hand and seals, the day and year aforesaid.

Sealed and Delivered in the Presence of

Mary M. Griffin
Jas. H. Buth

Jacob E. Brown
Francis J. Stanitski



State of Delaware,

County, ss.

Be It Remembered, That on this 27th day of December in the year of our LORD, one thousand nine hundred and eighty-two, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JACOB E. BROWN and FRANCIS J. STANITSKI, trading as Avalon Associates,

parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their Deed.

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

Mary M. Griffin
Notary Public

NOTARY PUBLIC
My Commission Expires February 1, 1984

RECEIVED
MARY ANN HAMMOND
1983 JAN -3 PM 1:34

RECORDER OF DEEDS
SUSSEX COUNTY

FILED
JAN 1983
ASSESSMENT DIVISION

B-C O'Leary
Att'y
1/19/83

2932 1972 738 REC 053

This Deed, made this 19th day of October in the year of our

LORD one thousand nine hundred seventy-four.

BETWEEN: KAY DEE CO., a corporation of the State of Delaware,
party of the first part,

- and -

JACOB E. BROWN and FRANCIS J. STANITSKI, trading as AVALON ASSOCIATES,
of 663 Arbour Drive, Newark, Delaware 19711, parties of the second
part.

Witnesseth, That the said party of the first part, for and in consideration of the sum of
ONE HUNDRED SIXTY THOUSAND Dollars (\$160,000.00-) Current Lawful Money
of the United States of America, and other good and valuable considerations, the receipt whereof
is hereby acknowledged, hereby grant(s), bargain(s), sell(s) and convey(s) unto the said party
(parties) of the second part, in fee simple, all his, her, its or their right, title, and interest in
the lands described as follows:

ALL THAT CERTAIN tract, piece or parcel of land situate,
lying and being in Indian River Hundred, Sussex County, Delaware,
more particularly described as follows, to-wit: BEGINNING at
a concrete monument set in the Southerly right of way line of
Route #302A, said concrete monument marking the division line
between these lands and lands now or formerly of H. T. Fuller,
Sr. and being 0.5 miles from Route #48; thence along the Southerly
right of way line of Route #302A North 67° 29' 53" West for
a distance of 276.24 feet to a concrete monument; thence continuing
North 69° 14' 55" West for a distance of 780.05 feet to a concrete
monument; thence continuing North 66° 05' 08" West for a distance
of 124.52 feet to a concrete monument; thence along the division
line between these lands and lands now or formerly of Townsend,
Inc. South 44° 26' 12" West for a distance of 581.29 feet to
a concrete monument; thence North 54° 58' 48" West for a distance
of 205.50 feet to a concrete monument; thence continuing South
30° 11' 12" West for a distance of 914.00 feet to a concrete
monument; thence continuing along the division line between
these lands and lands now or formerly of Townsend, Inc. South
53° 35' 58" East for a distance of 752.67 feet to a concrete
monument; thence continuing South 86° 09' 56" East for a distance
of 1079.62 feet to a concrete monument; thence along the division
line between these lands and lands now or formerly of Indian
River Land Co. North 20° 31' 04" East for a distance of 702.36
feet to a concrete monument; thence along the division line
between these lands and lands now or formerly of H. T. Fuller,
Sr. North 21° 35' 53" East for a distance of 554.59 feet, home
to the place of beginning, and said to contain 51.435 acres
of land, be the same more or less, as surveyed by J. J. McCann,
Inc., Registered Surveyor, dated August 13, 1973, and said plot
being filed for record in the Office of the Recorder of Deeds,
in and for Sussex County, Delaware in Plot Book No. 8, page 751.

BEING the same lands conveyed to Kay Dee Co.
by Deed of Indian River Land Company, both corporations of the
State of Delaware, said Deed dated December 14th, 1972, and filed
for record in the Office of the Recorder of Deeds, in and for
Sussex County, Delaware in Deed Book No. 693, page 871.

THOMPSON And REED
ATTORNEYS AT LAW
GEORGETOWN, DELAWARE 19911

BOOK 738 PAGE 054

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed the day and year aforesaid.

KAY DEE CO.

A Corporation of the State of Delaware

By [Signature]
President

Attest H. B. Wright
Secretary

STATE OF DELAWARE

COUNTY OF SUSSEX

BE IT REMEMBERED, That on this 19th day of October 1974, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, Clifford M. [Signature] President of KAY DEE CO., a corporation of the State of Delaware, party of this indenture, known to me personally to be such, and acknowledged this indenture to be his act and deed, and the act and the deed of the said corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said indenture was first duly authorized by resolution of the Board of Directors of the said corporation.

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

[Signature]
Notary Public

974 OCT 21 AM 9:25

5162

BOOK 693 PAGE 871

This Deed, made this

14th day of December in the year of our
 LORD one thousand nine hundred and seventy-two
 BETWEEN INDIAN RIVER LAND COMPANY, a corporation of the State
 of Delaware, of R. D. 5, Box 210, Springfield Crossroads,
 Georgetown, Delaware, 19947, party of the first part,

AND

KAY DEE CO., a corporation of the State of Delaware,
 of Ocean View, Delaware, 19970, party of the second
 part.

Witnesseth, that the said party of the first part, for and in consideration of
 the sum of FORTY ONE THOUSAND ONE HUNDRED FORTY EIGHT DOLLARS AND FORTY EIGHT CENTS
 and other good and valuable considerations-----(\$41,148.48)----- Current
 Lawful Money of the United States of America, the receipt whereof is hereby
 acknowledged, hereby grants and conveys unto the said party of the
 second part, its successors or assigns:

ALL that certain tract, piece and parcel of land, situate, lying and
 being in Indian River Hundred, Sussex County and State of Delaware, and lying
 on the Southerly side of County Road 302A and being more particularly described
 as follows, to-wit:

BEGINNING at an oak hub located in the Southerly right of way line of County
 Road 302A and in line of lands of Townsends, Inc.; thence from said point of
 beginning and lands of Townsends, Inc., the following courses and distances:
 S. 43° 42' W. 587.33 feet to an oak hub; thence turning and running in a North-
 westerly direction to an oak hub; thence turning and running S. 28° 31' W. 897.40
 feet to an oak hub; thence turning and running S. 53° 49' E. 771.43 feet to an
 oak hub; thence turning and running S. 88° 02' E. 1056.23 feet to an oak hub in
 line of other lands of Indian River Land Co.; thence turning and running N. 20°
 19' E. 705.11 feet to an oak hub; thence continuing with lands of Indian River
 Land Co., N. 21° 17' E. 550.00 feet to an oak hub located in the Southerly right
 of way line of County Road 302A; thence by and with the Southerly right of way
 line of County Road 302A, the two (2) following courses and distances: N. 68°
 52' W. 275.69 feet; thence N. 70° 10' W. 914.85 feet to an oak hub in line of
 lands of Townsends, Inc., the point and place of BEGINNING, containing 51.4356
 acres of land, be the same more or less, as surveyed by Lee K. Dodd and approved
 by Charles G. Murphy, Registered Surveyor, a plot of which is hereto attached.

BEING a part of the same lands conveyed unto Indian River
 Land Company, a corporation of the State of Delaware, by Deed of Avery W. Owens
 and Doris B. Owens, his wife, dated September 4, 1969 and filed for record in
 the office of the Recorder of Deeds, in and for Sussex County, at Georgetown,
 Delaware in Deed Record No. 645, page 520.



LAW OFFICE
 TUNNELL & RAYSON
 GEORGETOWN, DEL.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed the day and year aforesaid.

INDIAN RIVER LAND COMPANY

By [Signature] President

Attest ~~Signature~~ ~~Secret~~

STATE OF DELAWARE

IDENTITY OF SUSSEX

BE IT REMEMBERED, That on this 14th day of December 1972, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, R. CARLTON MOORE, President of INDIAN RIVER LAND COMPANY, a corporation of the State of DELAWARE, party to this indenture, known to me personally to be such, and acknowledged this indenture to be his act and deed; and the act and the deed of the said corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said indenture was first duly authorized by resolution of the Board of Directors of the said corporation,

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

Eugene Molloy
Notary Public

MY COMMISSION EXPIRES APRIL 17, 1973, & IS

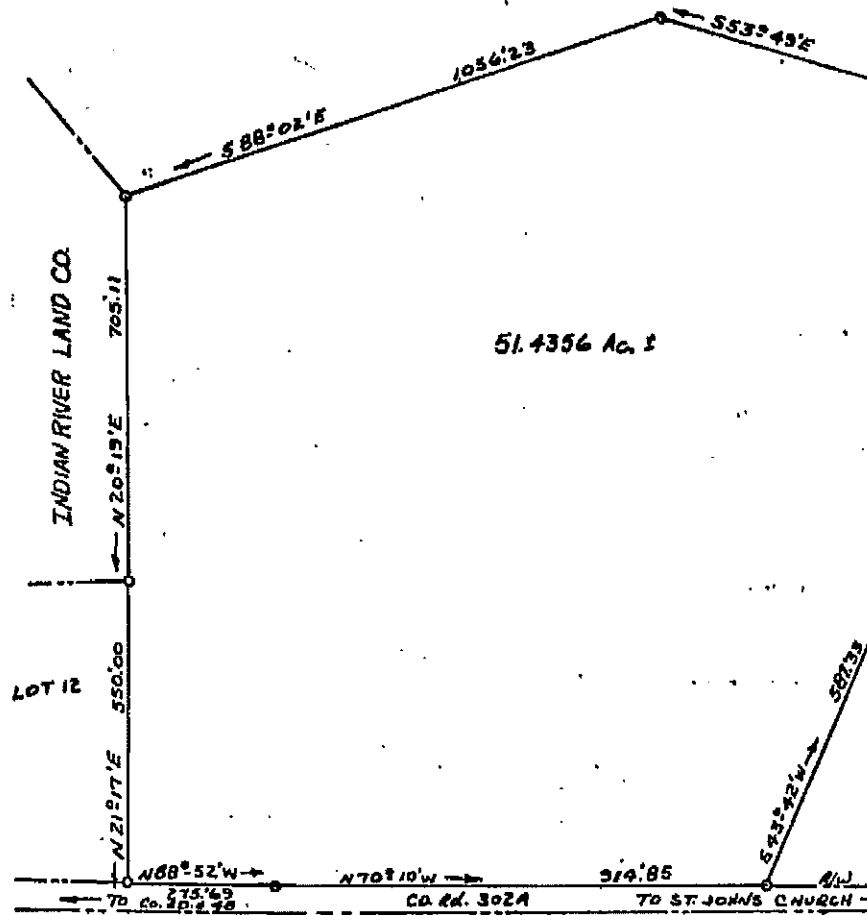
PURCHASERS REPORT MADE
This 1926 day of December 1921
Sold at Auction of Sutter County
By Anna Beach, Clerk
AP 361

1407 OFFICE
 7104 ELL & BAYVIEW
 GARDEN CITY, N.Y.

BOOK 693 PAGE 873

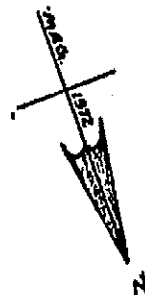
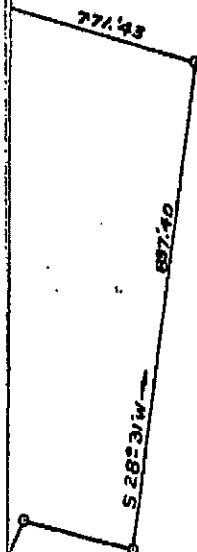
TOWNSENDS INC.

51.4356 Ac. 1



BOOK 693 PAGE 874

PLAT OF LANDS OF: INDIAN RIVER LAND CO. TO BE CONVEYED TO:
"OCEAN VIEW ENTERPRISES," SITUATED IN INDIAN RIVER
HUNDRED, SUSSEX CO, STATE OF DELAWARE



TOWNSENDS INC.

SURVEY BY: LEE K. DODD
APPROVED BY: CHAS. G. MURPHY P.L.S. 291
O DANDY'S OAK HUB
SCALE 1" = 200'

RECEIVED
JAMES H. RAXTER JR.
OCT 15 10 00 AM '72
REGISTERED OF DEEDS
SUSSEX COUNTY



00743

BOOK 645 PAGE 520

This Deed, Made this

4th day of September in the year of our
 LORD one thousand nine hundred and sixty-nine.
 BETWEEN AVERY W. OWENS and DORIS E. OWENS, his wife, of Taylor
 Street, Sharptown, Maryland, parties of the first part, vs.

-----A N D-----

INDIAN RIVER LAND COMPANY, a corporation of the State of
 Delaware, of R. D. #5, Box 210, Springfield Cross Roads,
 Georgetown, Delaware, party of the second part.

Witnesseth, That the said part less of the first part, for and in consideration of
 the sum of -----FOURTEEN THOUSAND DOLLARS (\$14,000.00)-----
 and other good and valuable considerations Current
 Lawful Money of the United States of America, the receipt whereof is hereby
 acknowledged, hereby grant and convey unto the said part y of the
 second part, its successors or assigns:

ALL that certain tract, piece or parcel of land, situate, lying and being
 in Indian River Hundred, Sussex County, Delaware, more particularly bounded and
 described according to a survey made June 14, 1960, by H. F. Bressler, Land Surveyor,
 as follows: BEGINNING at the intersection of the northerly right of way line of
 Delaware State Highway Route #48 (at 60 feet wide) leading from Long Neck to Zoar
 M. E. Church, with the centerline of Delaware State Highway Route #302A leading from
 Long Neck to Springfields Cross Roads; thence, by and with the northerly right of
 way line of Route #48 aforementioned, the following three courses: (1) South 70
 1/4 degrees West 1450 feet; (2) South 65 1/4 degrees West 300 feet; and (3) South
 62 degrees West 630 feet to a stake set on the northerly right of way line of said
 Route #48; thence, leaving said Route #48, and by and with the line of lands now or
 formerly of the Lawson Heirs, the following four courses: (1) North 40 1/4 degrees
 West 1018 feet along an old fence line to an old post at a 14-inch pine; (2) North
 89 degrees West 1171 feet to a stake; (3) North 49 3/4 degrees West 692 feet; and (4)
 North 28 1/2 degrees East 914 feet to a stake in line of lands now or formerly of
 the Heirs of Able Ableman; thence, by and with the line of lands now or formerly of
 the Ableman Heirs, the following two courses: (1) South 56 degrees 40 minutes East
 205 1/2 feet to an old cedar post; and (2) North 42 3/4 degrees East 608 1/2 feet
 along a ditch to a point in the centerline of Route #302A aforementioned; thence, by
 and with the centerline of Route #302A, the following five courses: (1) South 67
 degrees 50 minutes East 138 feet; (2) South 70 1/2 degrees East 718 feet; (3) South
 69 degrees East 928 feet; (4) South 69 1/2 degrees East 594 feet; and (5) South
 62 1/2 degrees East 1415 feet home to the point or place of BEGINNING, containing
 114 1/2 acres of land, be the same more or less.

BEING the same land that was conveyed to Avery W. Owens and Doris E. Owens,
 his wife, by deed of William H. Parsons and Sara D. Parsons, his wife, dated Feb-
 ruary 20, 1969 and filed for record in the Office of the Recorder of Deeds, in and
 for Sussex County, at Georgetown, Delaware in Deed Record No. 639, page 288.

BOOK 645 PAGE 521

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals, the day and year aforesaid.

Signed, Sealed and Delivered
in the presence of:

Edgar M. Miller
as to both

Avery W. Owens (SEAL)
Avery W. Owens
Doris B. Owens (SEAL)
Doris B. Owens



STATE OF DELAWARE } SS.
COUNTY OF SUSSEX }

BE IT REMEMBERED, That on this
4th day of September in the year of our LORD, one thousand nine
hundred and sixty-nine personally came before me, The Subscriber, a Notary
Public for the State and County aforesaid,

AVERY W. OWENS and DORIS B. OWENS, his wife,

Parties to this Indenture known to me personally to be such, and they
acknowledged this Indenture to be their Deed.

AND, the said DORIS B. OWENS
being at the same time privately examined by me, apart from her husband,
acknowledged that she executed the said Indenture willingly without compulsion
or threats, or fear of her husband's displeasure.

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

PURCHASERS REPORT MADE
This 5th day of September 1969
Board of Assessment of Sussex County
JAMES H. BAXTER JR. by Anna Beach, Clerk
SEP 11 11 51 AM '69
RECORDED OF DEEDS
SUSSEX COUNTY
My Commission Expires April 10, 1971

LAW OFFICES
TUNNELL & RAYSON
DOVER, DEL.

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **12/3/2021**

APPLICATION: **CU 2277 Avalon Woods Owners Association, Inc.**

APPLICANT: **Avalon Woods Owners Association, Inc. c/o Gary Williams,
President**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **234-15.00-81.00**

LOCATION: **28706 Avalon Drive. Lying on the southwest side of Avalon
Drive within the existing Avalon Woods subdivision,
approximately 0.25 mile south of Avalon Road (SCR 302A).**

NO. OF UNITS: **Designate parcel as Open Space and allow for a shed amenity.**

GROSS
ACREAGE: **0.42**

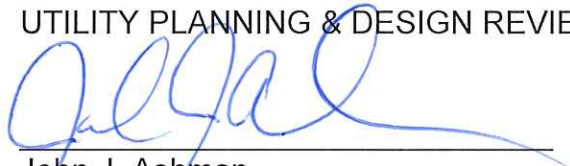
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

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 3**
- (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 \$6,600.00** 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 Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned



Mackenzie M. Peet
mackenzie@bmbde.com
(302)645-2262

March 19, 2021

VIA FEDEX

Planning & Zoning
Sussex County, DE
c/o Chase Phillips, Planner I
2 The Circle, PO Box 417
Georgetown, DE 19947

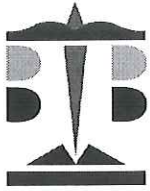
RE: Avalon Woods Owners' Association Conditional Use Application

Dear Mr. Phillips:

Please find the attached Conditional Use Application submitted by Avalon Woods Owners' Association (the "Applicant"). The Applicant requests a Conditional Use to allow an existing accessory structure to remain at 27826 Avalon Drive, Georgetown, DE 19947, TMP 234-15.00-81.00 (the "Property"). The Property is further identified as Avalon Park Lot 39, Block A on the Avalon Park Major Subdivision Plan recorded of record in the Office of the Recorder of Deeds, in and for Sussex County, DE on October 25, 1973 in Plot Book 8, Page 751. The Subdivision of Avalon Park is now referred to as Avalon Woods.

The Applicant received a Notice of Violation (NOV) on October 2, 2019 for violation of Art. III, Chapter 115, Section 115-14 of the Sussex County Zoning Code, which states:

No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building. No accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. Lots located in the AR and GR District containing a minimum of one acre may be exempted from this provision if approved by the Commission.



BAIRD
MANDALAS
BROCKSTEDT LLC

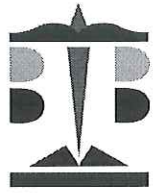
Mackenzie M. Peet
mackenzie@bmbde.com
(302)645-2262

The Applicant located a shed on the Property to store Association documents and to hold small meetings for Board Members. The Applicant received the NOV and attempted to remedy the NOV pursuant to Section 99-13(A) of the Zoning Code. That effort was unsuccessful because of deficiencies in the notice sent to Owners in the subdivision of Avalon Woods a/k/a Avalon Park. The Applicant is now pursuing a Conditional Use Application to allow the existing shed to remain in its current location to serve as a place for storage for the Avalon Woods Owners Association.

Thank you for your consideration of the Applicant's request for a Conditional Use.

Sincerely,

Mackenzie M. Peet
/mmp



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT A

Property and Deed Information

Property Information

Property Location:	27826 AVALON DR
Unit:	
City:	GEORGETOWN
State:	DE
Zip:	19947
Class:	RES-Residential
Use Code (LUC):	RI-RESIDENTIAL IMPROVEMENT
Town:	00-None
Tax District:	234 - INDIAN RIVER
School District:	1 - INDIAN RIVER
Council District:	3-Schaeffer
Fire District:	83-Millsboro
Deeded Acres:	.1649
Frontage:	57
Depth:	126.000
Irr Lot:	
Zoning 1:	GR-GENERAL RESIDENTIAL
Zoning 2:	AR-1-AGRICULTURAL/RESIDEINTIAL
Plot Book Page:	/PB
100% Land Value:	\$2,500
100% Improvement Value	\$1,500
100% Total Value	\$4,000

Legal

Legal Description	AVALON PARK LOT 39 BLK A
-------------------	-----------------------------

Owners

Owner	Co-owner	Address	City	State	Zip
AVALON WOODS OWNERS ASSOCIATION INC		28076 AVALON DR	GEORGETOWN	DE	19947

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2020	AVALON WOODS OWNERS ASSOCIATION INC		28076 AVALON DR	GEORGETOWN	DE	19947	2474/229
2019	AVALON WOODS OWNERS ASSOCIATION INC		28076 AVALON DR	GEORGETOWN	DE	19947	2474/229
2018	AVALON WOODS OWNERS ASSOCIATION INC		28076 AVALON DR	GEORGETOWN	DE	19947	2474/229
2017	AVALON WOODS OWNERS ASSOCIATION INC		28076 AVALON DR	GEORGETOWN	DE	19947	2474/229
2013	AVALON WOODS OWNERS ASSOCIATION INC		28076 AVALON DR	GEORGETOWN	DE	19947	2474/229
2006	AVALON WOODS OWNERS ASSOCIATION INC		27788 AVALON DR	GEORGETOWN	DE	19947	2474/229
2004	AVALON WOODS OWNERS ASSOCIATION INC		27788 AVALON DR	GEORGETOWN	DE	19947	2474/229
2003	AVALON WOODS OWNERS ASSOCIATION INC		PO BOX 966	MILLSBORO	DE	19966	2474/229
2000	AVALON WOODS OWNERS ASSOCIATION INC		12 EMPIRE ST	GEORGETOWN	DE	19947	2474/229
1900	STANITSKI AVALON ASSOC					0	0/0

Land

Line	Class	Land Use Code	Act Front	Depth	Deeded Acres	Ag
1	RES	RI	57	126	.1649	

Land Summary

Line	1
100% Land Value	2,500

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$2,500	\$1,500	\$4,000

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$1,250	\$750	\$2,000

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
19-JUN-2012	41156-1	\$1,200	ADD TO BLDG-AVALON PARK LOT 39 BLK A

10309

#02474 #229

PREPARED BY:
Richard E. Berl, Jr., P.A.
P.O. Box 487
Georgetown, DE 19947
Parcel Nos. 2-34-15-40; 2-34-15-01; 2-34-15-151; 2-34-15-112

NO TITLE SEARCH PERFORMED OR REQUESTED

DEED

THIS DEED, made this 1st day of March, in the year of our LORD two thousand,

BETWEEN, AVALON ASSOCIATES, INC., a Delaware Corporation, of P.O. Box 357, Newark, Delaware 19715, party of the first part.

AND

AVALON WOODS OWNERS ASSOCIATION, INC., a Delaware Corporation, of 12 Empire Street, Georgetown, Delaware 19947, 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 said of the second part, their heirs and assigns,

TRACT 1:

ALL THOSE CERTAIN lots, pieces and parcels of land situate, lying and being in Indian River Hundred, Sussex County, Delaware, being more particularly designated as LOTS A-6, A-39, D-19 and D-20, AVALON PARK, as shown on a plot of Avalon Park, of record in the Office of the Recorder of Deeds, in and for Sussex County, in Plot Book 8, Page 751, reference thereto being had will more fully and at large appear.

TRACT 2:

ALL THOSE CERTAIN pieces or parcels of land situate, lying and being in Indian River Hundred, Sussex County, Delaware, being known as AVALON DRIVE, BRACE STREET, CELTIC STREET, DURHAM STREET, and EMPIRE STREET, and being all of the private roads and streets serving AVALON PARK, as shown on a plot of record in the Office of the Recorder of Deeds in and for Sussex County, in Plot Book 8 page 751, reference thereto being had will more fully and at large appear.

BEING part of the same lands conveyed unto Avalon Associates, Inc. by Deed of Jacob E. Brown and Francis J. Stanitski, dated December 27, 1982 and recorded in the Office

Coped (Dup. Deed)

Exempt Code: A

Consideration: \$

County	State	Total
75.00	75.00	150.00
counter	Date: 04/07/2000	

KLM

#02474 #230

of the Recorder of Deeds in and for Sussex County in Deed Book 1156, page 105.

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

By Frank J. Hantoko
President

Attest Frank J. Hantoko
Secretary

STATE OF DELAWARE :
COUNTY OF SUSSEX : SS.

BE IT REMEMBERED, that on this 22 day of March, 2000, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Frank J. Hantoko, President of Avalon Associates, Inc., a corporation of the State of Delaware, party of this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and Deed, and the act and Deed of the said Corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said Corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by resolution of the Board of Directors of the said Corporation.

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



Notary Public

Printed Name of Notary
My Commission Expires:

RECORDED OF DEEDS
BOOK 1156, PAGE 105

Received
APR 4 2000

00 APR -7 PH 1:19 ASSESSMENT DIVISION
SUSSEX COUNTY OF SUSSEX CTY
DOC. SURCHARGE PAID

Corp. Div. (Corp. Seal)

Richard Paul Jr.
4/26/00

40000013

13

BOOK 1156 PAGE 105

(No. 44-B)

DEED-TYPEWRITER

Printed and Sold by Hugh A. George Co., Stationers, 500 Tenth St., Wilmington, Del.

This Deed, Made this

27th day of December in the year of
our LORD one thousand nine hundred and eighty-two

BETWEEN, JACOB E. BROWN and FRANCIS J. STANITSKI, trading as
Avalon Associates, a Delaware partnership, of Post Office Box 357,
Newark, Delaware 19711, parties of the first part,

A N D

AVALON ASSOCIATES, INC., a Delaware corporation, of
Post Office Box 357, Newark, Delaware 19711, party of the second
part,

Witnesseth, That the said parties 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 grant and convey unto the said
party of the second part, its Successors and Assigns,

ALL Those certain lots, pieces
or parcels of land situate, lying and being in Indian River Hundred,
Sussex County, Delaware, as shown on a plot of lands of "Avalon
Park", said plot being of record in the Office of the Recorder of
Deeds, in and for Sussex County, in Plot Book 8, Page 751, as
follows:

Block A - Lots 2, 5, 6, 19, and 27 through 60, inclusive;

Block B - Lots 6, 12, 16, 17, 21, 22 and 23;

Block C - Lots 2, 4, 6, 7, 8, 10, 12, 14, 15, 16, 18,
20, 22, 24 and 26;

Block D - Lots 1 through 28, inclusive; and

Block E - Lots 1 through 25, inclusive.

BEING a part of the same lands which
Kay Dee Co., a Delaware corporation, granted and conveyed unto
Jacob E. Brown and Francis J. Stanitski, trading as Avalon Associ-
ates, by deed dated October 19, 1974 and of record in the Office of
the Recorder of Deeds, aforesaid, in Deed Book 738, Page 953.

THIS TRANSFER IS SUBJECT to the terms
of a Purchase Money Mortgage of Jacob E. Brown and Mary Garrett
Brown and Francis J. Stanitski and Monica Marcella Stanitski to
Kay Dee Co., dated October 19, 1974 and of record in the Office of
the Recorder of Deeds, aforesaid, in Mortgage Book 307, Page 314,
which mortgage has been assigned to First National Bank of Frank-
ford by assignment dated January 3, 1975 and of record in Assignment
Book 14, Page 45.



In Witness Whereof, the said parties of the first part have hereunto set their hand and seals, the day and year aforesaid.

Sealed and Delivered in the Presence of

Mary M. Griffin
Jas. H. Bask

Jacob E. Brown
Francis J. Stanitski



State of Delaware,

County, ss.

Be It Remembered, That on this 27th day of December in the year of our LORD, one thousand nine hundred and eighty-two, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JACOB E. BROWN and FRANCIS J. STANITSKI, trading as Avalon Associates,

parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their Deed.

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

Mary M. Griffin
Notary Public

NOTARY PUBLIC
My Commission Expires February 1, 1984

RECEIVED
MARY ANN HAMMOND
1983 JAN -3 PR 1:34

RECORDER OF DEEDS
SUSSEX COUNTY

FILED
DAY OF Jan 1983
ASSESSMENT DIVISION

B-C. O'Leary
Att'y
1/19/83

2932 1981 738 PAGE 053

This Deed, made this 19th day of October in the year of our

LORD one thousand nine hundred eighty-four.

BETWEEN: KAY DEE CO., a corporation of the State of Delaware,
party of the first part,

- and -

JACOB E. BROWN and FRANCIS J. STANITSKI, trading as AVALON ASSOCIATES,
of 663 Arbour Drive, Newark, Delaware 19711, parties of the second
part.

Witnesseth, That the said party of the first part, for and in consideration of the sum of
ONE HUNDRED SIXTY THOUSAND Dollars (\$160,000.00-) Current Lawful Money
of the United States of America, and other good and valuable considerations, the receipt whereof
is hereby acknowledged, hereby grant(s), bargain(s), sell(s) and convey(s) unto the said party
(parties) of the second part, in fee simple, all his, her, its or their right, title, and interest in
the lands described as follows:

ALL THAT CERTAIN tract, piece or parcel of land situate,
lying and being in Indian River Hundred, Sussex County, Delaware,
more particularly described as follows, to-wit: BEGINNING at
a concrete monument set in the Southerly right of way line of
Route #302A, said concrete monument marking the division line
between these lands and lands now or formerly of H. T. Fuller,
Sr. and being 0.5 miles from Route #48; thence along the Southerly
right of way line of Route #302A North 67° 29' 53" West for
a distance of 276.24 feet to a concrete monument; thence continuing
North 69° 14' 55" West for a distance of 780.05 feet to a concrete
monument; thence continuing North 66° 05' 08" West for a distance
of 124.52 feet to a concrete monument; thence along the division
line between these lands and lands now or formerly of Townsend,
Inc. South 44° 26' 12" West for a distance of 581.29 feet to
a concrete monument; thence North 54° 58' 48" West for a distance
of 205.50 feet to a concrete monument; thence continuing South
30° 11' 12" West for a distance of 914.00 feet to a concrete
monument; thence continuing along the division line between
these lands and lands now or formerly of Townsend, Inc. South
53° 35' 58" East for a distance of 752.67 feet to a concrete
monument; thence continuing South 86° 09' 56" East for a distance
of 1079.62 feet to a concrete monument; thence along the division
line between these lands and lands now or formerly of Indian
River Land Co. North 20° 31' 04" East for a distance of 702.36
feet to a concrete monument; thence along the division line
between these lands and lands now or formerly of H. T. Fuller,
Sr. North 21° 35' 53" East for a distance of 554.59 feet, home
to the place of beginning, and said to contain 51.435 acres
of land, be the same more or less, as surveyed by J. J. McCann,
Inc., Registered Surveyor, dated August 13, 1973, and said plot
being filed for record in the Office of the Recorder of Deeds,
in and for Sussex County, Delaware in Plot Book No. 8, page 751.

BEING the same lands conveyed to Kay Dee Co.
by Deed of Indian River Land Company, both corporations of the
State of Delaware, said Deed dated December 14th, 1972, and filed
for record in the Office of the Recorder of Deeds, in and for
Sussex County, Delaware in Deed Book No. 693, page 871.

THOMPSON And REED
ATTORNEYS AT LAW
GEORGETOWN, DELAWARE 19917

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed the day and year aforesaid.

KAY DEE CO.

A Corporation of the State of Delaware

By [Signature] President

Attest Wm. B. King Secretary



STATE OF DELAWARE

COUNTY OF SUSSEX

SS.

BE IT REMEMBERED, That on this 19th day of October 1974, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, Wm. B. King President of KAY DEE CO., a corporation of the State of Delaware, party of this indenture, known to me personally to be such, and acknowledged this indenture to be his act and deed, and the act and the deed of the said corporation; that the signature of the President is in his own proper handwriting; that the seal affixed is the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said indenture was first duly authorized by resolution of the Board of Directors of the said corporation.

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

[Signature]
Notary Public

1974 OCT 21 AM 9:25

33
Oct 1974
and

5162

BOOK 693 PAGE 871

This Deed, made this

14th day of December in the year of our
 LORD one thousand nine hundred and seventy-two
 BETWEEN INDIAN RIVER LAND COMPANY, a corporation of the State
 of Delaware, of R. D. 5, Box 210, Springfield Crossroads,
 Georgetown, Delaware, 19947, party of the first part,

AND

KAY DEE CO., a corporation of the State of Delaware,
 of Ocean View, Delaware, 19970, party of the second
 part.

Witnesseth, that the said party of the first part, for and in consideration of
 the sum of FORTY ONE THOUSAND ONE HUNDRED FORTY EIGHT DOLLARS AND FORTY EIGHT CENTS
 and other good and valuable considerations-----(\$41,148.48)----- Current
 Lawful Money of the United States of America, the receipt whereof is hereby
 acknowledged, hereby grants and conveys unto the said party of the
 second part, its successors or assigns:

ALL that certain tract, piece and parcel of land, situate, lying and
 being in Indian River Hundred, Sussex County and State of Delaware, and lying
 on the Southerly side of County Road 302A and being more particularly described
 as follows, to-wit:

BEGINNING at an oak hub located in the Southerly right of way line of County
 Road 302A and in line of lands of Townsends, Inc.; thence from said point of
 beginning and lands of Townsends, Inc., the following courses and distances:
 S. 43° 42' W. 587.33 feet to an oak hub; thence turning and running in a North-
 westerly direction to an oak hub; thence turning and running S. 28° 31' W. 897.40
 feet to an oak hub; thence turning and running S. 53° 49' E. 771.43 feet to an
 oak hub; thence turning and running S. 88° 02' E. 1056.23 feet to an oak hub in
 line of other lands of Indian River Land Co.; thence turning and running N. 20°
 19' E. 705.11 feet to an oak hub; thence continuing with lands of Indian River
 Land Co., N. 21° 17' E. 550.00 feet to an oak hub located in the Southerly right
 of way line of County Road 302A; thence by and with the Southerly right of way
 line of County Road 302A, thence two (2) following courses and distances: N. 68°
 52' W. 275.69 feet; thence N. 70° 10' W. 914.85 feet to an oak hub in line of
 lands of Townsends, Inc., the point and place of BEGINNING, containing 51.4356
 acres of land, be the same more or less, as surveyed by Lee K. Dodd and approved
 by Charles G. Murphy, Registered Surveyor, a plot of which is hereto attached.

BEING a part of the same lands conveyed unto Indian River
 Land Company, a corporation of the State of Delaware, by Deed of Avery W. Owens
 and Doris B. Owens, his wife, dated September 4, 1969 and filed for record in
 the office of the Recorder of Deeds, in and for Sussex County, at Georgetown,
 Delaware in Deed Record No. 645, page 520.



LAW OFFICES
 TUNNELL & RAYSON
 GEORGETOWN, DEL.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its proper officers and its corporate seal to be hereunto affixed the day and year aforesaid.

INDIAN RIVER LAND COMPANY

By [Signature]
President

Attest [Signature]
Secretary



STATE OF DELAWARE
COUNTY OF SUSSEX

} ss.

BE IT REMEMBERED, That on this 14th day of December 1972, personally came before me, The Subscriber, a Notary Public for the State and County aforesaid, R. CARLTON MOORE, President of INDIAN RIVER LAND COMPANY, a corporation of the State of DELAWARE, party to this indenture, known to me personally to be such, and acknowledged this indenture to be his act and deed; and the act and the deed of the said corporation; that the signature of the President is in his own proper handwriting; that the seal affixed in the common and corporate seal of the said corporation duly affixed by its authority; and that the act of signing, sealing, acknowledging and delivering the said indenture was first duly authorized by resolution of the Board of Directors of the said corporation;

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

Eulyn Molloy
Notary Public

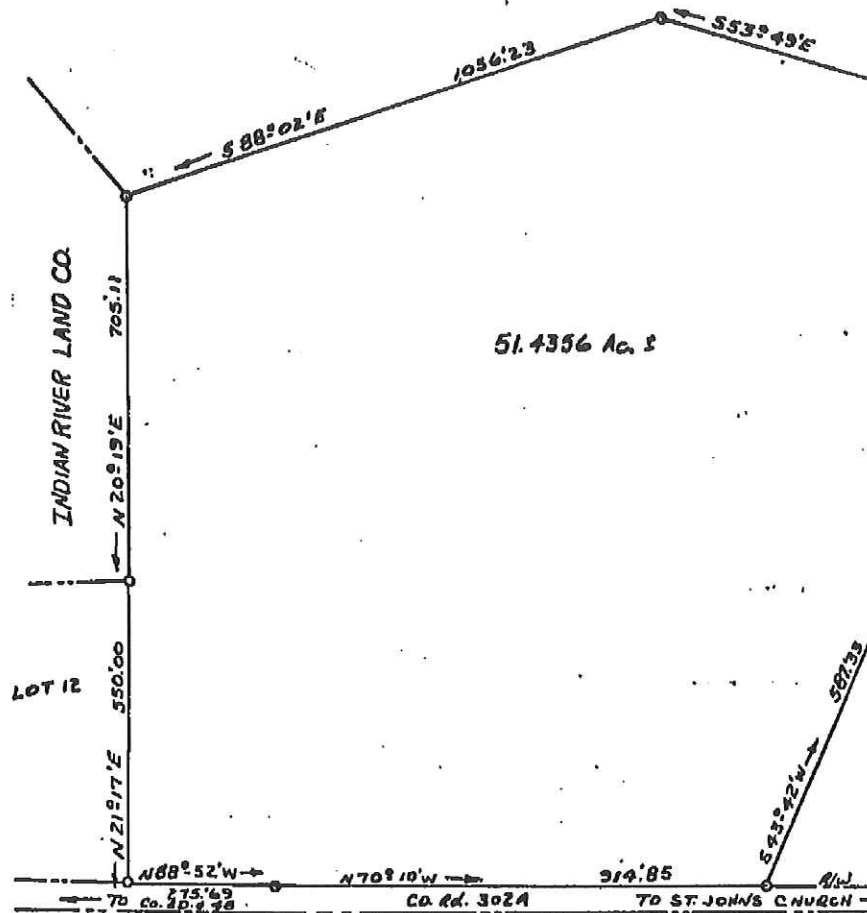
MY COMMISSION EXPIRES APRIL 12, 1973, 2 P.M.

PURCHASERS REPORT MADE
This 14th day of December 1972
Board of Assessment of Sussex County
By Anna Beach, Clerk
AKB

BOOK 693 PAGE 873

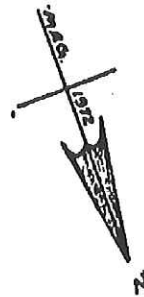
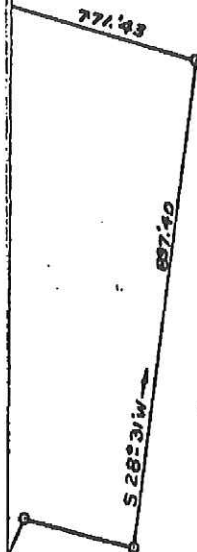
TOWNSENDS INC.

51.4356 Ac. ±



BOOK 693 PAGE 874

PLAT OF LANDS OF INDIAN RIVER LAND CO. TO BE CONVEYED TO:
"OCEAN VIEW ENTERPRISES," SITUATED IN INDIAN RIVER
HUNDRED, SUSSEX CO, STATE OF DELAWARE



TOWNSENDS INC.

SURVEY BY: LEE K. DODD
APPROVED BY: CHAS. G. MURPHY P.L.S. 291
O DANOTES ORK HUB
SCALE 1" = 200'



RECEIVED
JAMES H. PAXTER JR.
DEC 15 10 00 AM '72
RECUVEN OF DEEDS
SUSSEX COUNTY



00743

BOOK 645 PAGE 520

This Deed, Made this

4th day of September in the year of our
LORD one thousand nine hundred and sixty-nine.
BETWEEN AVERY W. OWENS and DORIS B. OWENS, his wife, of Taylor
Street, Sharptown, Maryland, parties of the first part,

-----A N D-----

INDIAN RIVER LAND COMPANY, a corporation of the State of
Delaware, of R. D. #5, Box 210, Springfield Cross Roads,
Georgetown, Delaware, party of the second part.

Witnesseth, That the said part first of the first part, for and in consideration of
the sum of -----FOURTEEN THOUSAND DOLLARS (\$14,000.00)-----
and other good and valuable considerations Current
Lawful Money of the United States of America, the receipt whereof is hereby
acknowledged, hereby grant and convey unto the said part y of the
second part, its successors or assigns:

ALL that certain tract, piece or parcel of land, situate, lying and being
in Indian River Hundred, Sussex County, Delaware, more particularly bounded and
described according to a survey made June 14, 1960, by H. F. Bressler, Land Surveyor,
as follows: BEGINNING at the intersection of the northerly right of way line of
Delaware State Highway Route #48 (at 60 feet wide) leading from Long Neck to Zoar
M. E. Church, with the centerline of Delaware State Highway Route #302A leading from
Long Neck to Springfields Cross Roads; thence, by and with the northerly right of
way line of Route #48 aforementioned, the following three courses: (1) South 70
1/4 degrees West 1450 feet; (2) South 65 1/4 degrees West 300 feet; and (3) South
62 degrees West 630 feet to a stake set on the northerly right of way line of said
Route #48; thence, leaving said Route #48, and by and with the line of lands now or
formerly of the Lawson Heirs, the following four courses: (1) North 40 1/4 degrees
West 1018 feet along an old fence line to an old post at a 14-inch pine; (2) North
89 degrees West 1171 feet to a stake; (3) North 49 3/4 degrees West 692 feet; and (4)
North 28 1/2 degrees East 914 feet to a stake in line of lands now or formerly of
the Heirs of Able Ableman; thence, by and with the line of lands now or formerly of
the Ableman Heirs, the following two courses: (1) South 55 degrees 40 minutes East
205 1/2 feet to an old cedar post; and (2) North 42 3/4 degrees East 608 1/2 feet
along a ditch to a point in the centerline of Route #302A aforementioned; thence, by
and with the centerline of Route #302A, the following five courses: (1) South 67
degrees 50 minutes East 138 feet; (2) South 70 1/2 degrees East 718 feet; (3) South
69 degrees East 928 feet; (4) South 69 1/2 degrees East 594 feet; and (5) South
62 1/2 degrees East 1415 feet home to the point or place of BEGINNING, containing
114 1/2 acres of land, be the same more or less.

BEING the same land that was conveyed to Avery W. Owens and Doris B. Owens,
his wife, by deed of William H. Parsons and Sara D. Parsons, his wife, dated Feb-
ruary 20, 1969 and filed for record in the Office of the Recorder of Deeds, in and
for Sussex County, at Georgetown, Delaware in Deed Record No. 639, page 288.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals, the day and year aforesaid.

Signed, Sealed and Delivered
in the presence of:

Edgar Moley
as to him

Avery W. Owens (SEAL)
Avery W. Owens
Doris B. Owens (SEAL)
Doris B. Owens



STATE OF DELAWARE } ss.
COUNTY OF SUSSEX }

BE IT REMEMBERED, That on this 4th day of September in the year of our LORD, one thousand nine hundred and sixty-nine personally came before me, The Subscriber, a Notary Public for the State and County aforesaid,

AVERY W. OWENS and DORIS B. OWENS, his wife,

Parties to this Indenture known to me personally to be such, and they acknowledged this Indenture to be their Deed.

AND, the said DORIS B. OWENS being at the same time privately examined by me, apart from her husband, acknowledged that she executed the said Indenture willingly without compulsion or threats, or fear of her husband's displeasure.

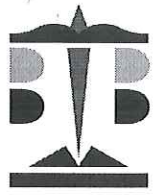
GIVEN under my Hand and Seal of Office, the day and year aforesaid.

RECEIVED
JAMES H. RAXTER JR. BY Anna Brach, Clerk
SEP 4 11 51 AM '69
RECORDED OF DEEDS
SUSSEX COUNTY

PURCHASERS REPORT MADE
This 5th day of September 1969
Board of Assessment of Sussex County

Edgar Moley
Notary Public
My Commission Expires April 10, 1971

LAW OFFICE
TUNNELL & RAYSON
Georgetown, Del.



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT B

Survey

COLORCHECK CHART
1 inch equals 100 pixels



LEGEND

_____	PROPERTY LINE (ADJACENT)
_____	PROPERTY LINE
_____	PROPERTY LINE
_____	PROPERTY LINE
_____	EXHIBIT
_____	EDGE OF PLANNING
_____	UTILITY POLE
_____	ELECTRIC BOX
_____	TELEPHONE RECEIVING
_____	SET BACK HEIGHT
_____	DOCKING CONCRETE WALKWAY
_____	DOCKING MOORING



LOCATION MAP

[illegible]

INCIDENTAL CERTIFICATION
I HEREBY CERTIFY THAT, AS A REGISTERED SURVEYOR IN THE STATE OF DELAWARE, AND THAT THE INFORMATION CONTAINED HEREIN WAS OBTAINED FROM A REVIEW OF THE RECORDS OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE INFORMATION CONTAINED HEREIN IS NOT A REPRODUCTION OF ANY INFORMATION CONTAINED IN ANY OTHER SOURCE.

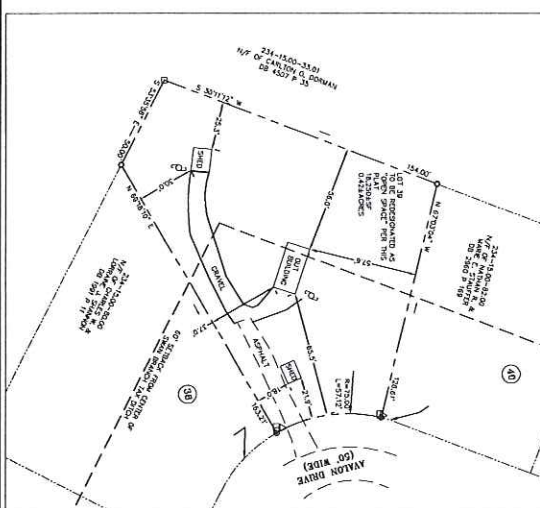
NAME	DATE
MICHAEL S. COFFIN, P.C. 10007 CANTON ROAD DARTMOUTH, MASSACHUSETTS 01928 PHONE/FAX (508) 626-9164	
OTHER ORGANIZATIONS' CONTRIBUTIONS	
I HEREBY CERTIFY THAT I AM THE CHAIRMAN/EXECUTIVE OF THE PROJECT SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION, AND THAT THE PLAN IS BEING SUBMITTED TO THE STATE OF MASSACHUSETTS IN ACCORDANCE WITH ALL APPLICABLE STATE AND FEDERAL REGULATIONS.	

AVAILON HOA REPRESENTATIVE	DATE
----------------------------	------

APPROVED BY SUMNER COUNTY PLANNING AND ZONING

CHAIRMAN, PLANNING AND ZONING COMMISSION	DATE
--	------

LOT 39 DETAIL
1"=30'



#	REVISION	DATE
1.	INITIAL SUBMISSION	8/14/21
2.	REVISED PER P&Z COMMENTS	9/16/21
3.		
4.		
5.		
6.		

AVALON PARK
234-15.00-32.02
INDIAN RIVER HUNDRED
GEORGETOWN, SUSSEX COUNTY,
DELAWARE

LOT 39 RE-DESIGNATION PLAN

COTTEN ENGINEERING LLC
CML ENGINEERING, SURVEYING, ENVIRONMENTAL
PLANNING

10057 CONCORD ROAD
SEAFORD, DELAWARE 19973



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT C

Municipal Code

Chapter 115. Zoning

Article III. Provisions Applicable to All Districts

§ 115-14. Construction of accessory buildings prior to main building.

No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building. No accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. Lots located in an AR or GR District containing a minimum of one acre may be exempted from this provision if approved by the Commission.

Article IV. AR-1 and AR-2 Agricultural Residential Districts

§ 115-22. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article **XXIV** of this chapter:

Agricultural related industry, provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment

[Added 1-27-2004 by Ord. No. 1658]

Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration

Aquariums, commercial

Beaches, commercial

Biotech campus

[Added 1-27-2004 by Ord. No. 1659]

Biotech industry not located within a biotech campus provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment.

[Added 1-27-2004 by Ord. No. 1659]

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision or planned residential development. (See § **115-172B**.)

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

Institutions, educational or philanthropic, including museums, art galleries and libraries

'Land application of sludge, treated sludge or any product containing these materials. For purposes of this section, "sludge" means the accumulated semiliquid suspension, settled solids or dried residue of these solids that is deposited from liquid waste in a wastewater treatment plant or surface or ground waters treated in a water treatment plant, whether or not these solids have undergone treatment. "Septage" is included herein as sludge. "Land application" means the placement of sludge, treated sludge or any other product containing these materials within two feet below the surface of land used to support vegetative growth.

[Added 5-8-1990 by Ord. No. 681]

Livestock auction markets in an AR District

Marinas or yacht clubs

Multifamily dwelling structures and/or townhouses and/or town homes, subject to the provisions of this chapter when:

[Added 7-31-2007 by Ord. No. 1920]

- A. Said multifamily dwelling structures and/or townhouses and/or town homes, the owners of which would share and own in common the surrounding grounds (which may also be referred to herein collectively as "units"), lie within a Town Center, a Developing Area, or a Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan; and
[Amended 5-21-2019 by Ord. No. 2656]
- B. The developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas a development fee per unit, as described in Chapter 62, § 62-7, for every unit in excess of two units per gross acre that is included in the application; and
- C. The Sussex County Council prior to the signing of a contract to purchase or lease open space for preservation and/or active and/or passive recreation areas shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this amendment. All such approvals by the Council shall be by a four-fifths majority vote and shall include a determination that the land and/or conservation easement to be acquired is located in the same watershed area as the land where the bonus density will be located; and
- D. It is understood that Sussex County shall control all monies paid to it under this amendment and that the Sussex County Land Trust may act as a recommending body and/or partner at the discretion of the Sussex County Council; and
- E. The maximum number of multifamily dwelling structures and/or townhouses and/or town homes, as defined in Subsection A above, included in the application, shall not exceed four dwelling units per gross acre, including land set aside for common open space and/or recreational uses; and
- F. The minimum percentage of the total site which shall be set aside as common open space shall be 40% of the total land area included in the application; and
- G. There shall be a vegetated buffer of not less than 75 feet, subject to the following conditions:
 - (1) The vegetated buffer shall be located adjacent to a numbered road shown on the General Highway Map for Sussex County and may include the required setback area from the road and shall be kept free of vehicle parking areas, buildings and structures; and
 - (2) The vegetated buffer shall include a mix of deciduous shade trees and evergreen trees, a majority of which shall be of common local species; and
 - (3) The deciduous shade trees shall include trees reasonably capable of attaining a minimum trunk diameter of two inches measured 3.5 feet above the ground within five years of being planted; and
 - (4) The evergreen trees shall include trees reasonably capable of attaining a minimum height of 10 feet above the ground within five years of being planted; and
 - (5) The goal of the landscape plan for the buffer area shall be include trees of the type indicated herein that will be planted in a natural manner, as they might appear in nature, as opposed to being planted in row fashion which will filter views from the road in such a

manner that the dwelling units appear more green and less dense than if no landscaping had been required; and

- (6) A further goal of the landscape plan would be to avoid placing plantings in an area adjacent to the entrance to the development in such a manner as to restrict the view of motorists entering or exiting from the development or restricting sight lines for motorists in such a manner as to create a potential safety hazard; and
 - (7) The landscape plan for the buffer area shall be designed and signed by a Delaware licensed landscape architect and approved by the Planning and Zoning Commission and County Council; and
- H. Council and/or the County Administrator may consider and authorize an expedited review of a conditional use application filed under this section; and
- I. Multifamily dwelling structures and/or townhouses and/or town homes shall not be considered as a conditional use under any other provision of this section which existed prior to the date of this amendment; and
- J. The density bonus fee for each multifamily and/or townhouse and/or town home dwelling unit in excess of two units per gross acre shall be determined by reference to and the use and application of the per-unit density bonus fees adopted as part of Ordinance 1842 and applicable to cluster developments and appearing in Chapter 62, Article III, § 62-7, as the same may hereafter be modified by Council, from time to time. Council will review the fees for a density bonus under the terms of this amendment on an annual basis and revise such fees as it deems necessary by an appropriate amendment.

Manufactured home parks

[Amended 10-12-2010 by Ord. No. 2152]

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Parks or campgrounds for mobile campers, tents, camp trailers, touring vans and the like

Private clubs

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations or substations, but not telephone central offices

Racetracks, any type, including horses, stock cars or drag strip

Recreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment

Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit

[Added 4-6-2004 by Ord. No. 1677^[1]]

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as a permitted use under § 115-20 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks

Stores or shops for the sale of farm products, farm supplies, groceries, beverages, drugs and food and similar stores and shops

Structures for commercial poultry raising on farms of less than five acres

Swimming or tennis clubs, private, nonprofit or commercially operated

[1] *Editor's Note: This entry was previously repealed 1-27-2004 by Ord. No. 1658.*

Article VI. GR General Residential District

§ 115-39. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article **XXIV** of this chapter:

Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration

Aquariums, commercial

Beaches, commercial

Bus terminals

Camps, day or boarding, private or commercial

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision or planned residential development. See § **115-172B**.

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

Institutions, educational or philanthropic, including museums, art galleries and libraries

Manufactured home parks

[Amended 10-12-2010 by Ord. No. 2152]

Marinas or yacht clubs

Multifamily dwelling structures, subject to the provisions of Articles **IV** through **XX**, § **115-219** and Table II (included at the end of this chapter)

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Private clubs

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations and substations, but not telephone central offices

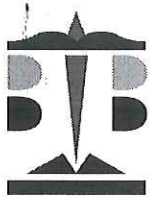
Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit.

[Added 4-6-2004 by Ord. No. 1677]

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as a permitted use under § **115-37** shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Swimming or tennis clubs, private, nonprivate or commercially operated



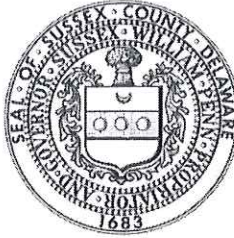
BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT D

NOV, SLER

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR

(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

SUSSEX COUNTY NOTICE OF VIOLATION

October 2, 2019

AVALON WOODS OWNERS ASSOCIATION INC
28076 AVALON DR
GEORGETOWN, DE 19947

REFERENCE NUMBER: 3348
PARCEL: 234-15.00-81.00
PARCEL DESCRIPTION: AVALON PARK LOT 39 BLK A
LOCATION: 27826 AVALON DRIVE GEORGETOWN

Code Violation:	Article: III	Chapter 115	Section: 115-14
-----------------	--------------	-------------	-----------------

It has come to the attention of the Sussex County Planning and Zoning Department that the property described above is in violation of Sussex County Code.

The County Code states that no accessory building shall be constructed upon a lot for more six months prior to beginning of the main building.
Based on a site visit conducted on October 2, 2019, the property is in violation of the County Code requirements.

You are hereby directed to cease the activity described above and conform to Chapter 115 of the County Code immediately upon receipt of this Notice unless otherwise directed. Failure to comply will result in the proper service of the violation notice by the Sussex County Constable. Subsequently, the violation will be forwarded to the Justice of the Peace Court where you will be notified to appear. At which time, you may request a hearing on the matter.

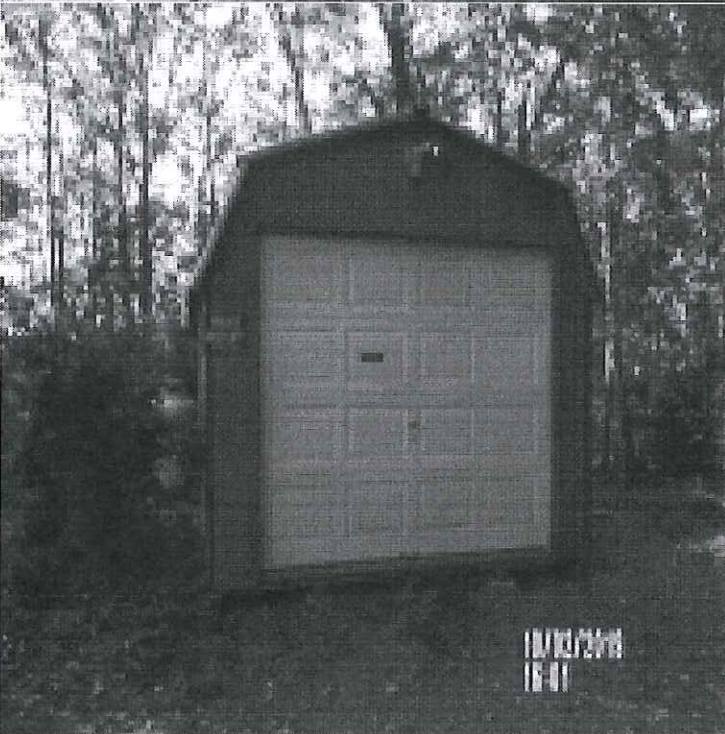
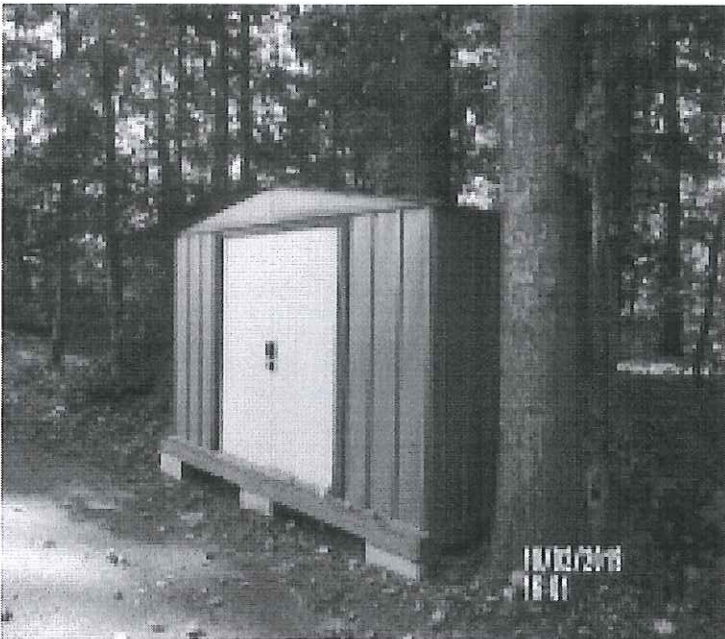
Within fifteen calendar (15) days of the date of this letter the violation shall be corrected. If you have questions regarding the violation please contact me to discuss the violation. If you have evidence, e.g., surveys, plats, or other documents that address this preliminary finding, please provide copies for our review.

The office is located in the County Administration Building, at #2 The Circle in Georgetown, Delaware. The office hours are 8:30 AM – 4:30 PM, Monday through Friday.

Sincerely,
KELLY PASSWATERS
302-855-7878



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947





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

NICOLE MAJESKI
SECRETARY

March 9, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Avalon Woods** proposed land use application, which we received on March 8, 2021. This application is for an approximately .1649- acre parcel (Tax Parcel: 234-15.00-81.00). The subject land is located on the southwest corner of Avalon Drive south of the intersection with Avalon Road (Sussex Road 302A). The subject land is currently zoned AR- 1 (Agricultural Residential) and GR (General Residential) and the applicant seeks a conditional use approval to build a shed, 57 feet by 126 feet, to be used by the owners' association for storage.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Avalon Road (Sussex Road 302A), from Zoar Road (Sussex Road 48) to Johnson Road (Sussex Road 47), is 446 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 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 **diminutive** 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 diminutive with regard to warranting a TIS does not mean that it is diminutive 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.



Mr. Jamie Whitehouse
Page 2 of 2
March 9, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

cc: Avalon Woods, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review 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
Annamaria Furmato, Project Engineer, Development Coordination



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT E

Aerial Maps



Addresses / Parcels

Tax Parcels

Council Districts

Fire Districts

County District 01

County District 02

County District 03

County District 04

County District 05

County Boundaries

Schools/Libraries

School Buildings (Various)

School Library

Public Library

Special Library

DOE School Districts

DOE VoTech School Districts

Hydrology

Streams / Rivers

Lakes, Ponds, Bays

Flood Zones

0.2% Annual Chance

Flood Hazard

A

AE

AO

Open Water

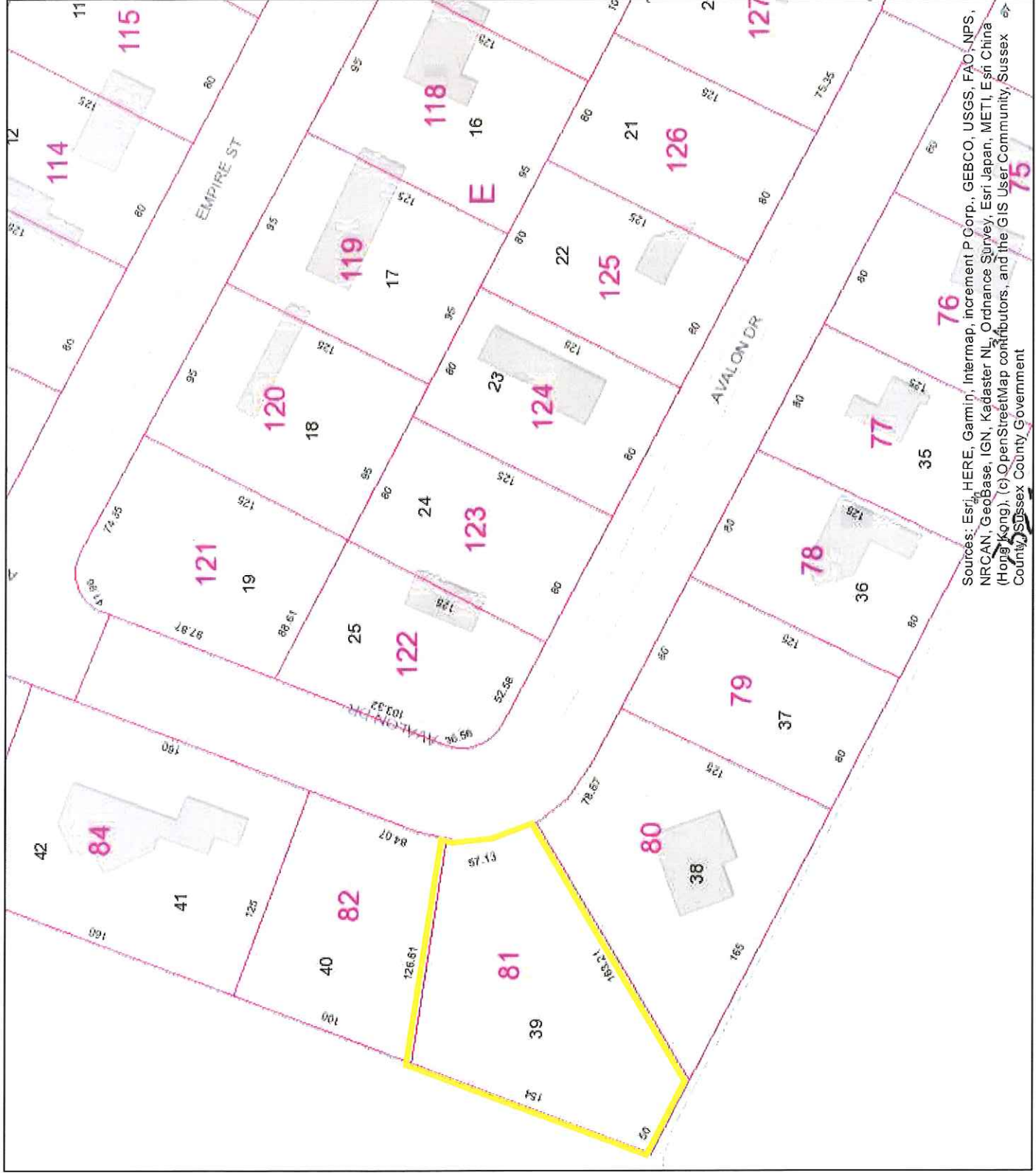
VE

Public Protected Lands

Municipalities

Communities

Boundaries State County



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 Map

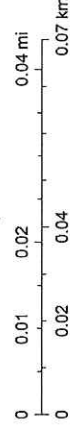
Sussex County



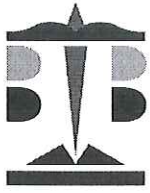
March 19, 2021

- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:1,128



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
 Delaware Department of Education, Wetland mapping is supported with funding provided by the Environmental Protection Agency, Delaware Geological Survey, Inc. DNREC, Division of Watershed



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT F

Association By-Laws & Restrictive Covenants

35189

BK: 3942 PG: 29

Prepared By: Board of Directors
Avalon Woods Owner's Association, Inc
28076 Avalon Drive
Georgetown, DE 19947
Tax Map # 15 Parcels 32-204 (inclusive)

Return To: Kathleen Mosby, President
28076 Avalon Drive
Georgetown, DE 19947

**BY-LAWS
Of
AVALON WOODS OWNER'S' ASSOCIATION, INC.
(Formally Known as Avalon Park)
As amended and adopted 7 November, 2011**

**SUMMARY OF DOCUMENTS REFERENCED AND AMENDED
THIS ENTIRE DOCUMENT, INCORPORATING ORIGINAL INFORMATION
IS AMENDED AND PROPOSED**

The original document of Avalon Park Reservations and Restrictive Covenants was filed and recorded on 5 March 1980 by Avalon Associates, Developer. In February, 1983, the process of turning over the management of Avalon Park to the Avalon Park Home Owners' Association (HOA) was initiated and the HOA amended and adopted the existing Reservations and Restrictive Covenants in 1986. As part of the transfer of responsibilities from the developer, Avalon Park HOA was required to establish By-Laws to enact the powers of the Board of Directors for Avalon Park HOA. The HOA did develop the By-Laws required and they were approved by the Board of Directors and Avalon Associates, but were never filed with Sussex County Office of Records and Deeds.

In September of 1996, the By-Laws were again amended and adopted by the Board of Directors, changing the name of Avalon Park to Avalon Woods Owners' Association, Inc. Again, these documents were not filed with Sussex County Office of Records and Deeds. Separate documents were filed to change the name and incorporate the Association.

The following Amended Articles set forth the new amended BY-LAWS of Avalon Woods Owners' Association. These By-Laws have been reviewed by an attorney and have been approved by the Board of Directors.

EXPLANATION OF TERMS USED

ASSOCIATION: Avalon Woods Owners' Association. All owners of Parcels or Lots in Avalon Woods are required to be members of the Association. 5

LOT: Referred to as a single plot of property originally designated by the original land developer (Avalon Associates) as filed in Sussex County on 4 October 1973.

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PARCEL: This is the term used in this document to define properties within Avalon Woods that are owned for a Single Family dwelling where multiple adjoining LOTS have been combined into a single PARCEL of land to be used exclusively for Single Family use.

VOTE: Term used to indicate a participative, counted voice in an election of officers or modification of Restrictive Covenants or any special action that requires membership participation.

ARTICLE I: PURPOSE

The purpose of Avalon Woods Owners' Association is to promote the general welfare of the parcel owners of Avalon Woods, Indian River Hundred Delaware. All land parcels governed by this document are identified in the original filing by Avalon Associates, entitled Avalon Park, in Plot Book Volume 8, page 751, recorded the 4th day of October, 1973 in the Sussex County Office of Records and Deeds.

ARTICLE II: MEMBERSHIP

All property owners in Avalon Woods are required to be Active members of the Owners' Association, as set forth in the original Reservations and Restrictive Covenants, with one (1) vote for each Parcel owned. Active members are Owners that are listed on the property Deed as filed in the Sussex County Office of Records and Deeds **AND** are current in the annual payment to the Owners' Association dues. Membership in the Association shall terminate when any person(s) cease to be an owner on record within the jurisdiction designated as Avalon Woods Owners' Association. Parcels A6, A39 and D19/20 will have no votes as they are Real Properties of the Association.

ARTICLE III: DUTIES OF THE MEMBERS

It shall be the duty of every member of this Association to report any matter that may affect the health and/or the general welfare of Avalon Woods Owners' Association. Unless it is an emergency, all matters that are being reported need to be in writing or submitted electronically to voicemail phone number xxx-xxx-xxxx (pending) or to e-mail address AvalonWoodsOA.org (pending). This includes matters that are in violation of the Reservations and Restrictive Covenants, Criminal Activity, or suggestions to improve the Association. In the event of Criminal Activity or any Emergency, members are to first contact Law Enforcement (Delaware State Police) or 911 as a priority, prior to contacting any elected officer or committee member. If any member reports Criminal Activity to Law Enforcement, a courtesy memo or report is requested to be provided to any of the elected officers. This data may be used to levy legal actions on members that

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do not comply with the Reservations and Restrictive Covenants, or pose recurring problems that affect the general welfare of the Association.

(NOTE: Sussex County uses the 911 Caller ID Protocol. It is the responsibility of every member of the association to register and keep current information with Sussex County 911 registry.)

ARTICLE IV: DUES

As voted on and approved by the Association in the 2010 Member meeting, the annual dues for each Parcel is \$400. Said assessment of dues shall be paid in advance annually on or before 31 December of each year. Dues invoices will be sent out on July 1st and dues will be due by August 1st. A grace period to the date of December 31st of the due year will be granted without penalty or finance charge. If annual dues are not paid by 31 December, the member shall be considered delinquent and a monthly finance charge of 1.5% (percent) shall be added to the delinquent balance; the balance is accumulative MONTHLY from the date of delinquency (31 December). At the time that dues are considered delinquent, the Association will notify the Owner(s) that action is being taken to ensure payment of dues. Action to ensure recoupment of dues includes placement of Liens on the Parcel and taking other Legal action.

The annual dues shall be re-evaluated annually and any adjustments must be approved by a Quorum of the Association.

ARTICLE V: OFFICERS

The executive officers of the Association shall be a President, a Vice-President, a Secretary, a Treasurer, and an Assistant Treasurer. All officers shall be elected at the annual meeting of the Association and will hold their position for a term of 2 years. Officers have the right to succeed themselves for one additional term.

A Nominating Committee (see Committees section of this document) consisting of three Members in good standing and who are not of the same family, shall be appointed by the President at least forty-five (45) days in advance of the annual meeting. The Nominating Committee shall submit the names of qualified candidates for all officer positions at the annual meeting. Additional nominations may be submitted from the floor at the election meeting, provided the candidates are qualified as Members in good standing.

Two Members of the same family may not serve as officers concurrently.

ARTICLE VI: BOARD OF DIRECTORS

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The executive power of Avalon Woods Owners' Association shall be vested in a Board of Directors, which shall consist of the five elected officers and the past two Presidents. Should any one of the past two Presidents decline the position on the Board of Directors, then the Vice-President that served with the declining President will fill the position on the Board. The Board of Directors shall be responsible for the management and the conduct of the business and property of the Association, as provided by statute and these By-Laws.

The elected Board of Directors of Avalon Woods Owners' Association is responsible for the management and maintenance of the Common areas of the development, including upkeep of the roadways, the well water and main water supply infrastructure (not including individual parcel line supply), and any other real property which may be placed under the jurisdiction of the Association. As of the date of ratification of this document, Real Properties under this jurisdiction are Parcels A6, A39, (both protected Well Heads), and Parcels D19 and D20 used for the development water runoff and holding pond.

The elected Board of Directors is responsible to enforce and ensure compliance to the Avalon Woods Reservations and Restrictive Covenants for the purpose of protecting property values and providing for the quiet and peaceful enjoyment of these properties as a desirable and quality residential area.

ARTICLE VII: DUTIES OF THE OFFICERS

The President shall be the Chief Executive Officer of the Association. The President will preside at all meetings of the Members, the Board of Directors, and at all meetings of any Committee established by the President. The President shall appoint Committee Chairpersons and shall be an "ex-officio" member of all committees. The President will have general management and direction of the business of the Association and all powers ordinarily exercised by the President of an association.

The Vice-President, in the absence of the President, shall perform all duties of the President and have the powers of the President. The Vice-President will be the Chairman of the Membership Committee.

The Secretary will keep a true record of the proceedings of the Association and the Board of Directors. The Secretary will record all proceedings of ANY meeting called by the President, including meetings of Committees. Recording of any proceedings may be accomplished electronically, but hardcopy prints of the proceedings must be made available to the Association within Thirty (30) days of the proceedings. The Secretary will ensure that all notices to the Association are duly given in accordance with the By-Laws, and will keep a current and correct list of members, and will provide the Treasurer with a list of the officers and the members. The Secretary shall send out all notices of the

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Association and attend to all correspondence, electronically or written, except when otherwise ordered by the President. The Secretary shall perform all duties ordinarily incident to the Secretary of an Association.

The Treasurer and Assistant Treasurer shall have charge of and be held responsible for all monies and other valuables held or owned by the Association, and shall deposit in the name of Avalon Woods Owners' Association all monies and other valuable effects in such Bank as chosen by the Board of Directors. The Treasurer shall be responsible for the collection of all dues and other funds payable to the Association, and the paying of bills from the Association account as approved by the Board of Directors. The Treasurer is responsible to provide an accounting of the financial position of the Association at all Board and Association meetings, monthly to the President, or as directed by the President.

The expenditure of Association funds will always require two signatures. Normally this is accomplished by the signatures of both the Treasurer and the Assistant Treasurer. To preclude an emergency in the release of funds, ALL elected officers are required to be bonded by an accredited bonding company, allowing either the Treasurer or the Assistant Treasurer to be the first signature on the funds release, then any of the elected officers (bonded) to be the second signature. The Treasurer and the Board of Directors will be advised in writing and a memo sent to the Secretary (for record) when any officer other than the Treasurer's signature's are used to expend funds. The Treasurer will be required to brief the Association at the annual meeting when officers other than the Treasurer's, sign for the release of Association funds.

ARTICLE VIII: VACANCIES

The Board of Directors shall have the power to fill a vacancy of any officer position for the unexpired portion of the term of office. A majority vote of the Board of Directors is required, and the name of the officer filling the vacancy is to be posted to the Association. If the vacancy cannot be fulfilled, then the Nominating Committee shall be activated to solicit nominations for a vote to fill the vacancy.

ARTICLE IX: AUDITING:

The Board of Directors will be required to initiate an Audit or Compilation of the Association's financial records and valuables/assets at least 30 days prior to the annual meeting so that an Audit report can be provided at the annual Association meeting. The Audit/Compilation will be conducted by a disinterested, licensed, third party firm hired by the Board of Directors.

The President or the Board of Directors may request an audit at anytime. The audit report will be provided to the Secretary and will be filed as a matter of record for the Association.

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In the event that Federal, State, County or local monies/grants or assets are received by the Association, a separate account must be established by the Treasurer, and recorded by the Secretary for record, specifically indicating what the monies/grant or assets are to be used for, as directed by the Board of Directors. A monthly audit of these special accounts will be recorded and briefed to the Board of Directors, and a separate, detailed audit report will be reported at the annual Association meeting.

An inventory of all assets procured or donated to the Association is mandatory. All assets will be clearly marked for identification and reported to the Secretary for inclusion in a master inventory, and to the Treasurer to determine/account for value or depreciation. An annual audit of assets is mandatory, and will be reported at the annual Association meeting.

ARTICLE X: MEETINGS

All meetings shall be conducted according to the guidelines of Robert's Rules of Order, revised.

As a minimum, there will be a regular meeting of the Association each year, normally in the month of August, with the date being voted on and approved by the Association at the previous annual meeting. The Board of Directors will set the time and place, but cannot change the date. The annual meeting shall be for the purpose of reviewing the annual Treasure report, establishing and approving an annual budget for the ensuing year, electing officers, and conducting any business within the powers of the Association without prior notice of that business.

Notice of the annual and/or any general membership meeting of the Association shall be mailed to the Property owners (members in good standing) to their Post Office address as is appears on the books of the Association, by the Secretary, at least thirty (30) days in advance. Notice will include the date, time, and place of the meeting. In addition, the notice will be posted on the community Bulletin Board, website, and in a conspicuous place within the community, within the time period prescribed for the mailing of the notice (30 days).

Special meetings of members may be called at any time by the President, by a majority of the Board of Directors, or upon a written request to ANY of the Board of Directors from ten (10) percent of the active members (in good standing) in the Association.

The Board of Directors will meet Monthly at such time and place as directed by the President or at any time upon the call of the President.

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All Committees will meet Monthly. The chairman of the committee may call more frequent meetings as required, and the President can call a committee meeting at any time. The Secretary need not be present at committee meetings, but notes of the meeting must be provided to the Secretary for inclusion of record to the annual meeting. Meeting notes may be obtained/provided either written or electronically. If meeting notes are provided electronically, (voice tape, recorder, or any other means), the person taking the notes must be identified, and the individual(s) speaking to the topic must be identified for a matter of record. A hardcopy of ALL meeting notes will be kept on file by the Secretary.

ARTICLE XI: QUORUM

The presence of one forth of the members of the Association in person and/or by proxy, executed and notarized, shall constitute a quorum for the annual or a special Association membership meeting. The presence of a majority of the Board of Directors shall constitute a quorum for any meeting of the Board of Directors.

ARTICLE XII: LIST OF MEMBERS

The Secretary shall maintain a list of all members of the Association. The list will be a true accounting of all parcel owners in numerical lot/parcel order, will indicate current, true mailing addresses and contact information (required for emergency notifications), and will indicate the membership status for Association voting purposes. Because the list contains personal information, it is to be safeguarded and only released to the Board of Directors and committees as directed by the President. The Secretary will have a list of the members at the annual meeting or any special meeting of the Association to verify the members that are in good standing and are entitled to vote.

Any request to obtain a listing of the members will be through the Secretary, and must be approved by the President.

ARTICLE XIII: EASEMENTS

All easements are to be maintained at the same specifications pursuant to Sussex County restrictions at the time the Avalon Associates received approval for the establishment of the property. All easements granted at that time continue to be in force. This includes easements for utilities to and throughout the community and the community water system infrastructure.

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The SWAN CREEK TAX DITCH Easement, Right-of-Way, and Tax Assessment Ruling is on file with the State and County, as approved by the Superior Court of the State of Delaware. Document Number 06M-11-069, dated 12 March 2009, identifies all parcels of Avalon Woods as subject to this ruling and are to be enforced by the State of Delaware Department of Natural Resources and Environmental Control (DNREC).

To date, parcels/lots A19 through A55 (excluding lot A53), have special Easements and Rights-of-Way for the Swan Creek Tax Ditch.

Additionally, Lots A23, A24, A43, A44, A51 and A52 have additional easement burdens to the Tax Ditch. This document, dated 20 July 1987 is on file with Sussex County Office of Records and Deeds, Volume 1506, pages 61 and 62.

NOTE: Avalon Woods Owners' Association is not the governing body of the Swan Creek Tax Ditch. Specific matters pertaining to Avalon Woods Owners' Association and the Swan Creek Tax Ditch are detailed in the Restrictive Covenants. ANY suspected environmental violations that affect the public health of the Association must be reported to DNREC directly, with additional notification to any member of the Board of Directors.

ARTICLE XIV: COMMITTEES

As a minimum, the following is a list of Committees and their respective responsibilities that are required to facilitate the By Laws and Restrictive Covenants of Avalon Woods Owners' Association. The President shall appoint the Chairperson of each Committee, and the Chairperson will seek and appoint an appropriate number of committee members necessary to fulfill that committee's function. Only members of the Association in good standing and have no conflict of interest with the actions of the Committee may be appointed to a committee. All Committee's are determined and established by the Board of Directors

Requests for funds to support the function of a committee shall be submitted to the President and must be approved by the Board of Directors.

Committee chairpersons shall report to the President monthly regarding the status of actions that the Committee is charged to fulfill.

BUILDING AND GROUNDS COMMITTEE: This Committee is responsible for the buildings, properties, and infrastructure owned by Avalon Woods Owners' Association. This committee is responsible to maintain the Common areas of Avalon Woods, enforce the Restrictive Covenants in an effort to promote the health, welfare, and appearance of the community, and to issue community permits for construction (as approved by the County) that meet the guidelines set forth in the Restrictive Covenants. (Construction permits may be approved by the County, but may be denied by the Association if not in compliance with the Restrictive Covenants). The Chairperson for this Committee shall always be the Vice President of the Association.

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WELL WATER MONITORING COMMITTEE: This Committee is responsible for the Protected Well Heads and the quality of the community water as established by the State of Delaware. ALL members of this committee are required to be State Certified for water sampling, will solicit the community for random water samples, record water sample reports, and forward water reports to the State as required by law. ALL MEMBERS OF THIS COMMITTEE WILL HAVE A CRIMINAL BACKGROUND INVESTIGATION.

NEIGHBORHOODS WATCH COMMITTEE: This Committee is responsible to monitor the general security and safety of the community. Members of this committee will be trained and certified for Neighborhood Watch in accordance with the standards established by the Law Enforcement agency having jurisdiction of the community. ALL MEMBERS OF THIS COMMITTEE WILL HAVE A CRIMINAL BACKGROUND CHECK. The Chairperson of this committee will establish scheduled and unscheduled patrols, establish a communications system for the patrols, establish patrol guidelines, and will maintain a patrol log that will be reviewed by the Board of Directors monthly. NOTE: IT IS THE RESPONSIBILITY OF ALL MEMBERS OF THE COMMUNITY TO REPORT ANY CRIMINAL ACTIVITY TO THE APPROPRIATE LAW ENFORCEMENT AGENCY IMMEDIATELY. A courtesy call or notification to the Neighborhood Watch Committee is required to be included in the patrol log.

NOMINATING COMMITTEE: This Committee is responsible to solicit for nominations of members for Officer Positions as they become vacant or are up for vote at the annual meeting. The committee will initiate solicitation action for nominations 45 days prior to the annual meeting and will provide a list of only qualified members (members in good standing) for officer positions up for vote. The committee may be activated at any time by the Board of Directors to solicit for vacated positions and may be called upon to solicit for any type of special voting action that is out of cycle with the annual meeting.

SPECIAL COMMITTEE'S: Special Committees may be established by the Board of Directors at any time. Should this be necessary, the Board of Directors will take action to notify all members of the Association as to the reason/purpose of the committee, solicit for committee chairman and members, and will establish the guidelines or rules to which the committee will adhere. All actions taken by Special Committees will be recorded as a matter of record to the Board of Directors and will be included in the minutes of the annual meeting.

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Prepared by: Board of Directors
Avalon Woods Owner's Association, Inc.
28076 Avalon Drive
Georgetown, DE 19947

Return to: Kathleen Mosby, President
Avalon Woods Owner's Assoc., Inc.
28076 Avalon Drive
Georgetown, DE 19947

The attached document was prepared by the duly voted Directors of Avalon Woods Owner's Association, Inc. and unanimously voted in favor of the revised By-Laws at the Board meeting of 7th day of November, 2011.

Signed: Kathleen Mosby Date: 11/08/2011
President, Board of Directors
Avalon Woods Owner's Association, Inc.

RECEIVED

NOV 08 2011

**ASSESSMENT DIVISION
OF SUSSEX COUNTY**

State of Delaware
County of Sussex

Be it remembered, that on this 8th day of November 2011, personally appeared before me, the subscriber, a Notary Public for the State and County aforesaid, Kathleen Mosby, President of the Avalon Woods Owner's Association, Inc., a corporation existing under the laws of the State of Delaware, known to me personally to be such, that the signature of the President is in her own proper handwriting and by her authority to act: and that the signing and sealing was first duly authorized by a resolution of the Board of Directors of said corporation.

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

Donna M. Di Francesco
Notary Public

DONNA M. DI FRANCESCO
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires 6-20-15

Recorder of Deeds
Scott Dailey
Nov 08, 2011 03:02P
Sussex County
Doc. Surcharge Paid

4830

BOOK 997 PAGE 121

AVALON PARK
Reservations and Restrictive Covenants

IT IS HEREBY EXPRESSLY STIPULATED AND UNDERSTOOD that all lots, lands and premises shown within the plan of subdivision entitled AVALON PARK, dated the 13th day of August, 1973, and recorded the 4th day of October, 1973, in Plot Book Vol. 8, page 751, are subject to the following covenants, restrictions and remedial clauses for the purpose of protecting property value and providing for the quiet and peaceful enjoyment of these properties as a desirable, quality residential area. Said remedial clauses are to run with the land except where specifically stated otherwise and are to bind the heirs, administrators, executors or assigns of the said lot owners.

1. No more than one mobile home or single family dwelling shall be placed on each lot.
2. All dwellings shall be of one (1) story construction and have a minimum enclosed living area of 600 square feet.
3. No mobile home or dwelling of any nature will be accepted in said development unless it is (1) in good condition; (2) attractive in appearance; (3) either factory or custom made; (4) equipped with toilet facilities; and (5) is not too old to be appealing and attractive in the exclusive and sole judgment of the developer who shall approve plans in writing, prior to placing any home or unit on the site, or by the "Avalon Park Owners Association," hereinafter referred to as the Association.
4. All dwellings, appendages, auxiliary buildings placed or erected on any lot in this subdivision shall be approved by a committee appointed by the Association.
5. All septic tanks or other devices for the sanitary disposal of waste shall be installed at the time construction begins, by the Purchaser or his agents in compliance with health department regulations of the State of Delaware or County of Sussex. In the event that county-wide sewage or water comes into being, then all costs and expenses of using the same, including installation expenses, are the expenses of the lot owners.
6. All lot owners shall submit construction plans for driveways, pump houses, patios, fences, swimming pools and any and all other additions, changes or alterations, and must receive written approval by a committee appointed by the Association before commencing construction. The lot owners, their successors or assigns, hereby assume all responsibility during the construction to maintain all streets, curbs and sidewalks, if any, and to repair the same if they are damaged during the construction, renovation or landscaping of the dwelling placed on their lot or lots.
7. At least forty (40) percent of existing trees shall be left uncut.
8. All tanks (oil or gas) must be underground.
9. Mobile homes must be anchored securely to withstand strong winds and have skirting applied in accordance with existing laws.
10. No animals, such as horses, hogs, chickens, rabbits, etc., shall be permitted. No dogs or cats may be bred nor sold for commercial purposes. No ordinary house pets shall be permitted to run free, bark excessively or in any manner destroy the peace and enjoyment of the neighbors of this community. Curbing of pets permitted on owner of pets lot only.
11. All clothes lines and garbage containers must be located to the rear of the mobile home. All garbage containers shall be concealed by shrubs or covered enclosures in such a way that they will not detract from the aesthetic appearance of the community.

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12. Lot owners shall not perform any acts or carry on any practices which may be a nuisance or menace to other lot owners. Mini-bikes and go-carts are prohibited. Motor bikes by permit only.

13. All front yard set-back requirements shall be thirty (30) feet from the property line. Side and rear requirements must comply with the Planning and Zoning Laws of the State of Delaware or Sussex County.

14. No repairing or overhauling of vehicles will be permitted. Any vehicle not used for an extended period of time must be removed.

15. This parcel of property is subject to all easements and rights of way heretofore granted unto the Delaware Electric Cooperative, Inc., the Diamond State Telephone Company and the State of Delaware, and to any other utility or public service association which easement and rights-of-way are now of record or intended so to be.

16. Each lot owner shall be a member of the Association, which shall be organized under Laws of Delaware and shall own roads, assume obligation and expenses of maintaining the roads and any other mutual activity for the benefit of all owners. Each lot owner shall pay dues and pro rata assessment to be charged by the Association under the Articles of Association.

17. Nothing contained herein shall be construed in any manner so as to impose upon Avalon Associates, their successors or assigns, any liability for property damage and/or personal injury occurring to any person or persons whomsoever, for or by reason of the use of the ways, roads, streets, lanes or easements in Avalon Park. Any and all persons using such ways, roads, streets, lanes, easements, shall do so at their own risk and without liability whatsoever on the part of Avalon Associates, their successors or assigns.

18. In the event any party owning lots or land areas in said subdivision, or his, her, or its heirs, successors or assigns, as the case may be, shall violate or attempt to violate any of the foregoing restrictions, reservations, covenants, limitations and conditions, while the same remain in force and effect, then and in such an event, it shall be lawful for any such other person or persons, including Avalon Associates, owning a legal interest in any lot location in Avalon Park, to bring any proceedings or take any action either in law or in equity, against such violator of any of the foregoing limitations, reservations, restrictions, covenants and conditions, as may be resulting from such violation or attempted violation thereof.

19. The invalidation of any of the foregoing restrictions, limitations, covenants, reservations or conditions of any provision thereof, by any court of competent jurisdiction shall in no wise affect or impair the full force and effect of any and all of the remaining provisions thereof, and in any such event, all such other reservations, limitations, restrictions, covenants, conditions and provisions as are not expressly invalidated shall remain in full force, effect and virtue.

20. Before the grantee or any successors in title to the grantee or any lot owner, his heirs or assigns, shall convey any land to any subsequent purchaser, the said grantee, or his successors in title or their heirs or assigns, shall first submit and deliver in writing the name and address of such prospective purchaser, together with the amount of any bona fide sale price offered by such prospective purchaser, to the grantor herein, his heirs, administrators, executors, or assigns. The grantor, his heirs, administrators, executors or assigns shall then have the option to purchase said land at the same price offered by such prospective purchaser if said option is exercised in writing within fifteen (15) days after the delivery of said notice. If the said option is not exercised by grantor, his heirs, administrators, executors or assigns in writing within fifteen (15) days after notice is delivered, the grantee, his successors in title or their heirs and assigns, shall then have the right and power to convey said property to said prospective purchaser at the price offered as aforesaid. In the event of the violation of this covenant,

(3)

BOOK 997 PAGE 123

grantor, his heirs, administrators, executors, or assigns, shall be entitled to compel specific performance thereof as against grantee or his successors in title and such subsequent purchaser and shall be entitled to such damages for the breach of this covenant as the Court shall award.

21. Purchaser agrees to use water of the Avalon Park central system.

22. Perpetual easements for the installation, construction, reconstruction, maintenance, repairs, operations and inspections of any and all utilities, inclusive of electricity, gas, cable TV, cable vision, telephone, water and drainage, for the benefit of the adjoining land owners and/or the company, authority, commission, municipality or other agency, supplying water or drainage, electric, gas, cable TV and/or telephone, are reserved in general in and over each lot for the installation of electric, gas, telephone, water and drainage facilities.

IN WITNESS WHEREOF, Developer has executed this Indenture this

19th day of FEBRUARY 1980.

In the presence of:

J. Painter
J. Painter

BY Jacob E. Brown
JACOB E. BROWN
Francis J. Stanitski
FRANCIS J. STANITSKI

STATE OF DELAWARE)
COUNTY OF NEW CASTLE) SS,

Be It Remembered, that on this 19th day of FEBRUARY 1980, personally came before me, the Subscriber, a Notary Public, Jacob E. Brown and Francis J. Stanitski, parties to this Indenture, known to me to be such and they acknowledge this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

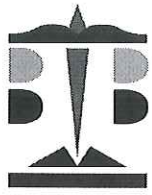
Donald L. Davis
Notary Public

RECEIVED
MARY ANN MCCABE

MAR 5 4 22 PM '80

RECORDER OF DEEDS
SUSSEX COUNTY

O'Steen & Sons
3-20-80



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT F

Permit Records



Permits and Inspections

Permit #295860

[Return to Application Details](#)

Permit Details

Permit Status	ISSUED
Permit Type	ACCESSORY STRUCTURE IN TOWN
Permit Level	0
Issued Date	6/19/2012
Expiration Date	8/1/2000
Contractor Name	
Contractor ID	999999999

Fee Description	Based on	Amount/Quantity	Fee
HISTORY	FLAT RT	1.0000	\$10.50
Total Fees			\$10.50
Total Paid			\$10.50
BALANCE DUE			\$0.00

PROPERTY RECORD CARD

CARD _____ OF _____

DIS: 2-34 MAP 15 PARCEL 81 CONTROL NO. _____

LAND IDENTIFICATION

2-34 15.00 81.00
 AVALON ASSOCIATES, INC.
 P.O. BOX 357
 NEWARK DE 19711 TRI- 193224

SCH-1
 EDIT-P

OWNERSHIP RECORD

DATE OF TRANSFER

GRANTEE

REVENUE STAMPS

SALE PRICE

AVALON PARK
 LOT 39, BLK. A
 VACANT

March 12 1971

LAND RECORD AND VALUATION SUMMARY

LAND COMPUTATION

BUILDING PERMIT RECORD

PROPERTY FACTORS		DIMENSIONS		UNIT VALUE		FACTORS		ADJ UNIT VALUE		VALUE		DATE	NUMBER	AMOUNT
IMPROVEMENTS	STREET OR ROAD	FRONT	DEPTH			DEPTH	OTHER							
CITY WATER	PAVED													
SEWER	SEMI-IMPROVED	57	126							2,500				
GAS	UNIMPROVED													
ELECTRICITY	OTHER													
ALL UTILITIES	SIDEWALK													

ASSESSMENT RECORD

SUMMARY OF VALUES

TOTAL LAND	\$ 2,500
TOTAL IMPROVEMENTS	\$ 1,500
TOTAL APPRAISED VALUE	\$ 4,000



H. L. YOH COMPANY
 A DIVISION OF DAY AND ZIMMERMANN, INC.
 PHILADELPHIA, PA.

NOTES BP# 295860 + 1008 addition to exist 100 shed that was never on 0/8500 11-21-2004 4000

1	LAND	\$ 600	LAND	\$	
2	BLDG	\$	BLDG	\$	
3	TOTAL	\$ 600	TOTAL	\$	
4	LAND	\$	LAND	\$	
5	BLDG	\$	BLDG	\$	
6	TOTAL	\$	TOTAL	\$	
7	LAND	\$	LAND	\$	
8	BLDG	\$	BLDG	\$	
9	TOTAL	\$	TOTAL	\$	

52

REASSESSMENT DIVISION

8/20/87 Helen

ACTION CODE: 2

DISTRICT: 2.34

MAP: 15

PARCEL: 81

TRLR/UNIT:

NAME: Avalon Associates, Inc

ADDRESS: P.O. Box 357
Newark, De 19711

PROPERTY DESCRIPTION: Avalon Park

ACREAGE:

TRANSFER:

LAND CLASS: RU

OLD VALUE: 1200

LAND VALUE: 2500

IMP VALUE:

TOTAL VALUE: 2500

ACTION REASON: to removed developer discount

BILLING: 1987 S.B for diff.

7/14
8/21/87
9.17.87
AT

5-6-82

REASSESSMENT DIVISION

ACTION CODE: /

WORKED BY: Harold
Laurie

DISTRICT: 2-34 MAP: 15 PARCEL: 81 TRL/UNIT:

NAME: Brown, Jacob E + Francis J. Stanitski

ADDRESS: P.O. Box 357
Newark, De. 19711

PROPERTY DESCRIPTION:

Avalon Park
Lot 39 Blk A

ACREAGE:

TRANSFER: 145 667

LAND CLASS: RV

OLD VALUE:

LAND VALUE: 1200

IMP. VALUE:

TOTAL VALUE: 1200

ACTION REASON:

Sub-division split out
47

BILLING:

83

Amended