

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 10th, 2020

Application: CZ 1919 Newton Farms, LLC

Applicant/Owner: Newton Farms, LLC
16536 Sussex Highway
Bridgeville, DE 19933

Site Location: On the south side of E. Newton Road, approximately 791 ft. west of
Sussex Highway (Route 13).

Current Zoning: C-1 (General Residential District)

Proposed Zoning: LI-2 (Light Industrial District)

Comprehensive Land
Use Plan Reference: Developing Area

Councilmatic
District: Mr. Vincent

School District: Woodbridge School District

Fire District: Bridgeville Fire Department

Sewer: Private (On-site)

Water: Private (On-site)

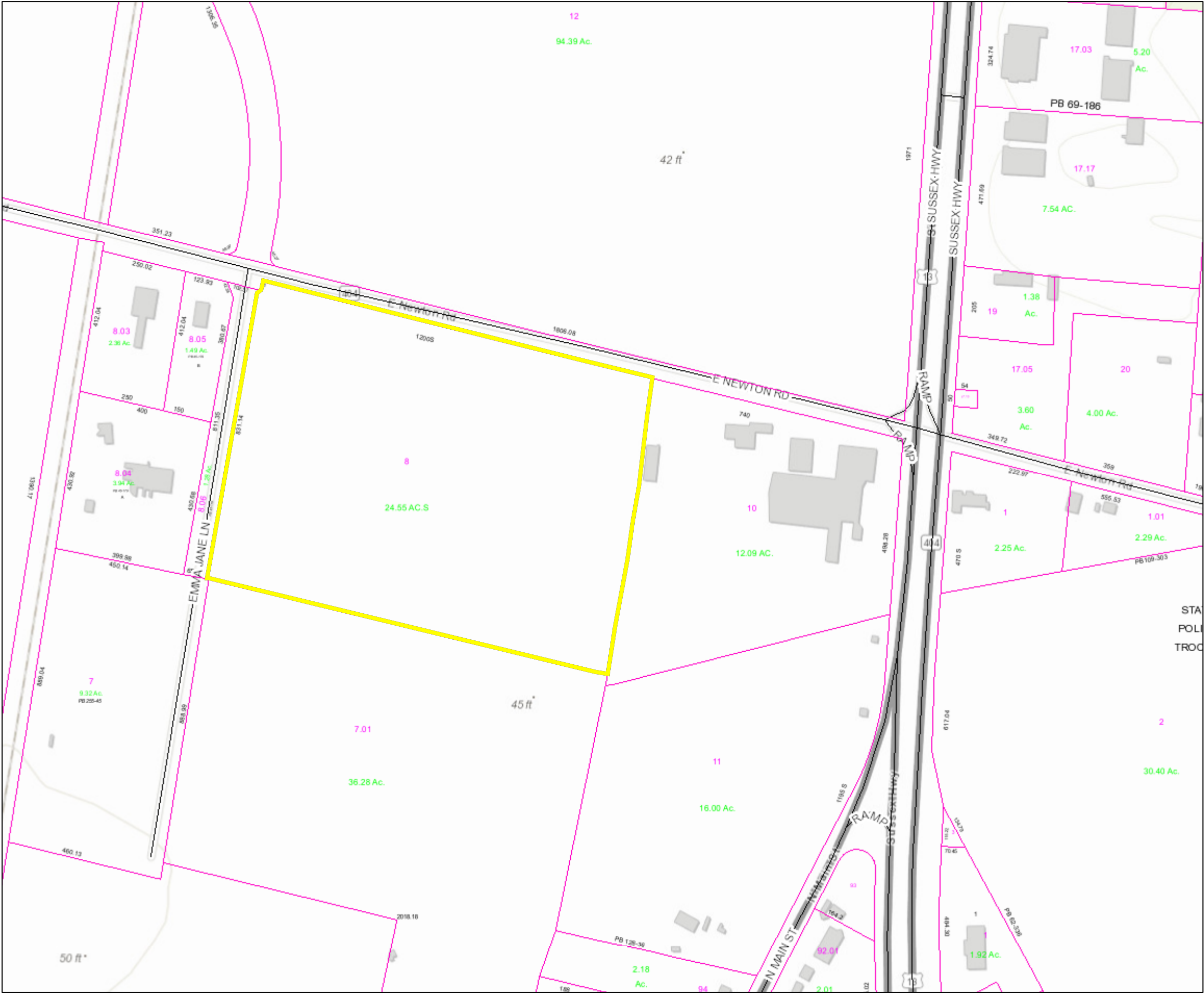
Site Area: 23.7021 acres +/-

Tax Map ID.: 131-6.00-8.00





Sussex County



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

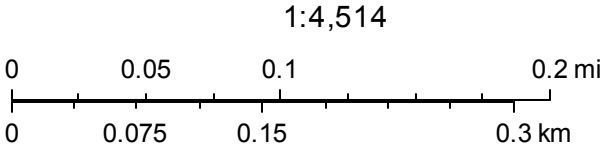
polygonLayer

Override 1

polygonLayer

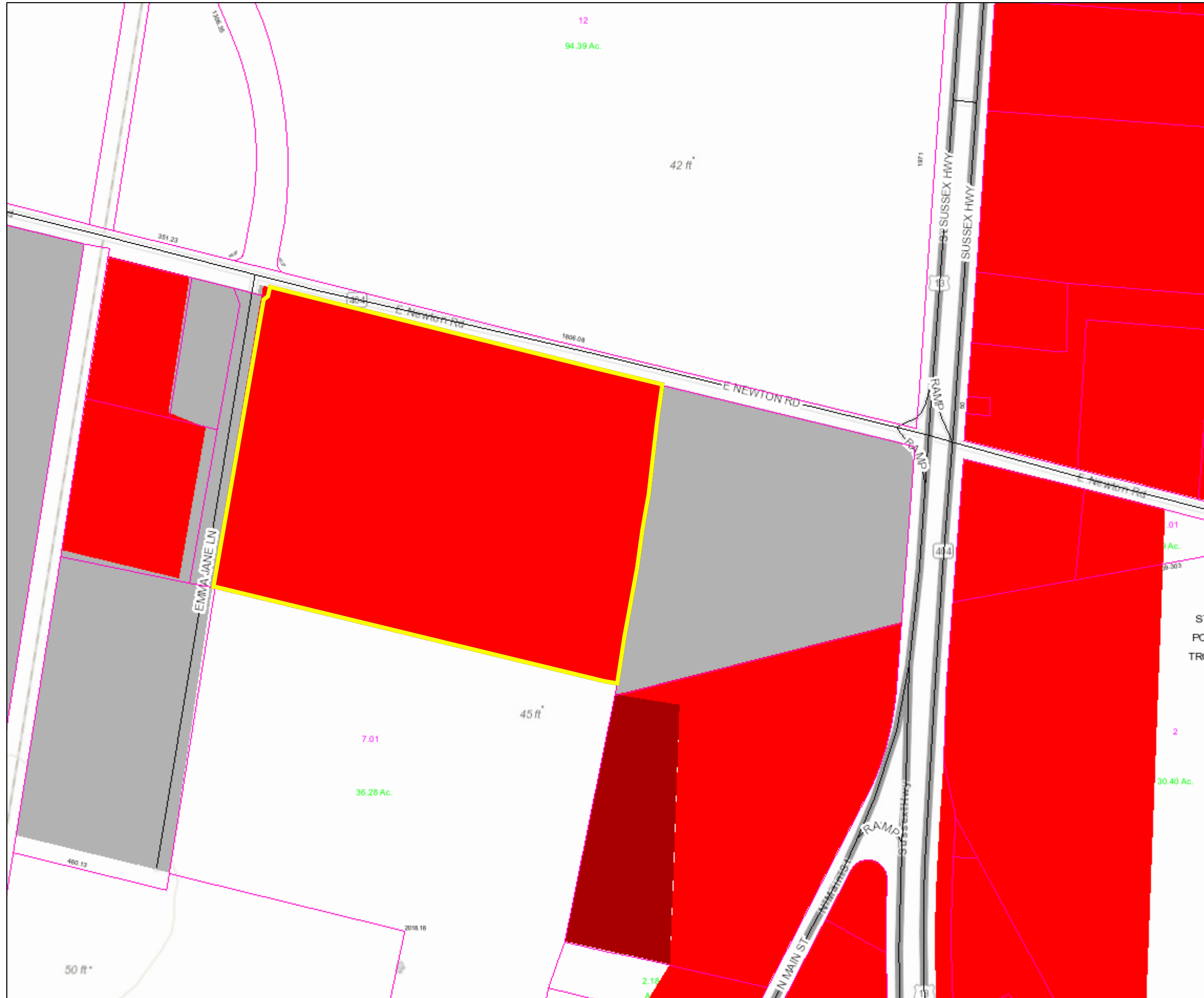
Override 1

- Tax Parcels
- Streets
- County Boundaries





Sussex County



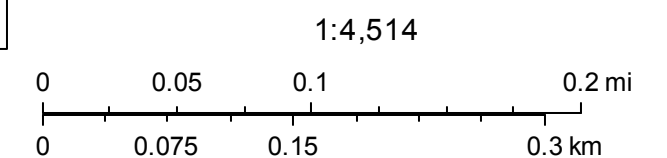
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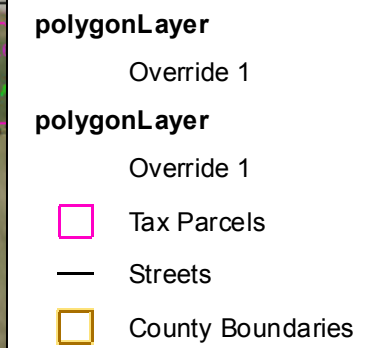
polygonLayer
Override 1

polygonLayer
Override 1

Tax Parcels

Streets





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



Sussex County

DELAWARE
sussexcountye.gov

Memorandum

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

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

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

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

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

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

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



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

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

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

File #: C21919
202001083

Planning & Zoning Commission Application
Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use ☐

Zoning Map Amendment ☒

Site Address of Conditional Use/Zoning Map Amendment

8600 E Newton Rd, Bridgeville, DE

Type of Conditional Use Requested:

Not applicable.

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

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

Land Use Classification: Developing Area

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

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

Applicant Information

Applicant Name: Newton Farms, LLC

Applicant Address: 16536 Sussex Highway

City: Bridgeville **State:** DE **ZipCode:** 19933

Phone #: (302) 542-8767 **E-mail:** rob.riderjr.@oanewton.com

Owner Information

Owner Name: Newton Farms, LLC

Owner Address: 16536 Sussex Highway

City: Bridgeville **State:** DE **Zip Code:** 19933

Phone #: (302) 542-8767 **E-mail:** rob.riderjr.@oanewton.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. | Morris James LLP

Agent/Attorney/Engineer Address: 107 W. Market Street

City: Georgetown **State:** DE **Zip Code:** 19947

Phone #: (302) 856-0015 **E-mail:** dhutt@morrisjames.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

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

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

☒ **Provide Fee \$500.00**

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

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

☒ **DelDOT Service Level Evaluation Request Response**

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

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

I also certify that I or an agent on 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: 1/27/2020

Signature of Owner



Date: 1/20/2020

For office use only:

Date Submitted: 1/30/2020

Staff accepting application: COH

Location of property: _____

Fee: \$500.00 Check #: 1106

Application & Case #: 202001083

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

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

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

PERMITS / INSPECTIONS

CHANGE OF ZONE - FEE

2020 Item: 202001083|2015 500.00

500.00

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number 001106

Change due 0.00

Paid by: NEWTON FARMS LLC

NEWTON FARMS LLC		1106
SUSSEX COUNTY, DE		DATE 01/30/2020
PAID TO SUSSEX COUNTY PERMITTING & PLANNING		AMOUNT \$ 500.00
FOR THE YEAR ENDING 12/31/2019		
PNC BANK		
131-6-00-210		

Thank you for your payment

CUSTOMER COPY



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

JENNIFER COHAN
SECRETARY

January 2, 2020

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

Dear Ms. Cornwell:

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

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

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

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



Ms. Janelle M. Cornwell
Page 2 of 2
January 2, 2020

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

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

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure

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



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

JENNIFER COHAN
SECRETARY

MEMORANDUM

TO: Susanne Laws, Sussex Review Coordinator
FROM: Troy Brestel, Project Engineer **TEB**
DATE: September 9, 2019
SUBJECT: MillerMetal Fabrication Facility – (Protocol Tax Parcel #131-6.00-8.00)
Area Wide Study Fee and Off-site Improvements

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

- 1) The proposed development consists of a 67,500 square foot fabrication facility. Per review of information supplied by the developer, we have determined that the proposed development would generate 204 daily trips and 100 hourly trips for both the a.m. and p.m. peak hours. The fee is calculated at ten dollars per daily trip. For the proposed development, the fee would be \$2,040.00.
- 2) There are no off-site improvements that the developer will be required to make or participate in.

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

TB:km

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/24/2020**

APPLICATION: **CZ 1919 Newton Farms LLC**

APPLICANT: **Newton Farms LLC**

FILE NO: **WS-4.06**

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

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

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

GROSS
ACREAGE: **23.7021**

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

SEWER:

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

Yes ☐

No ☒

a. If yes, see question (2).

b. If no, see question (7).

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

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

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

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

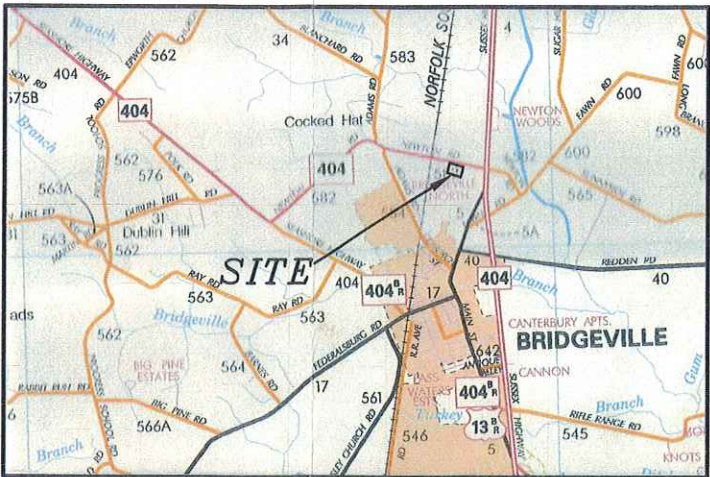
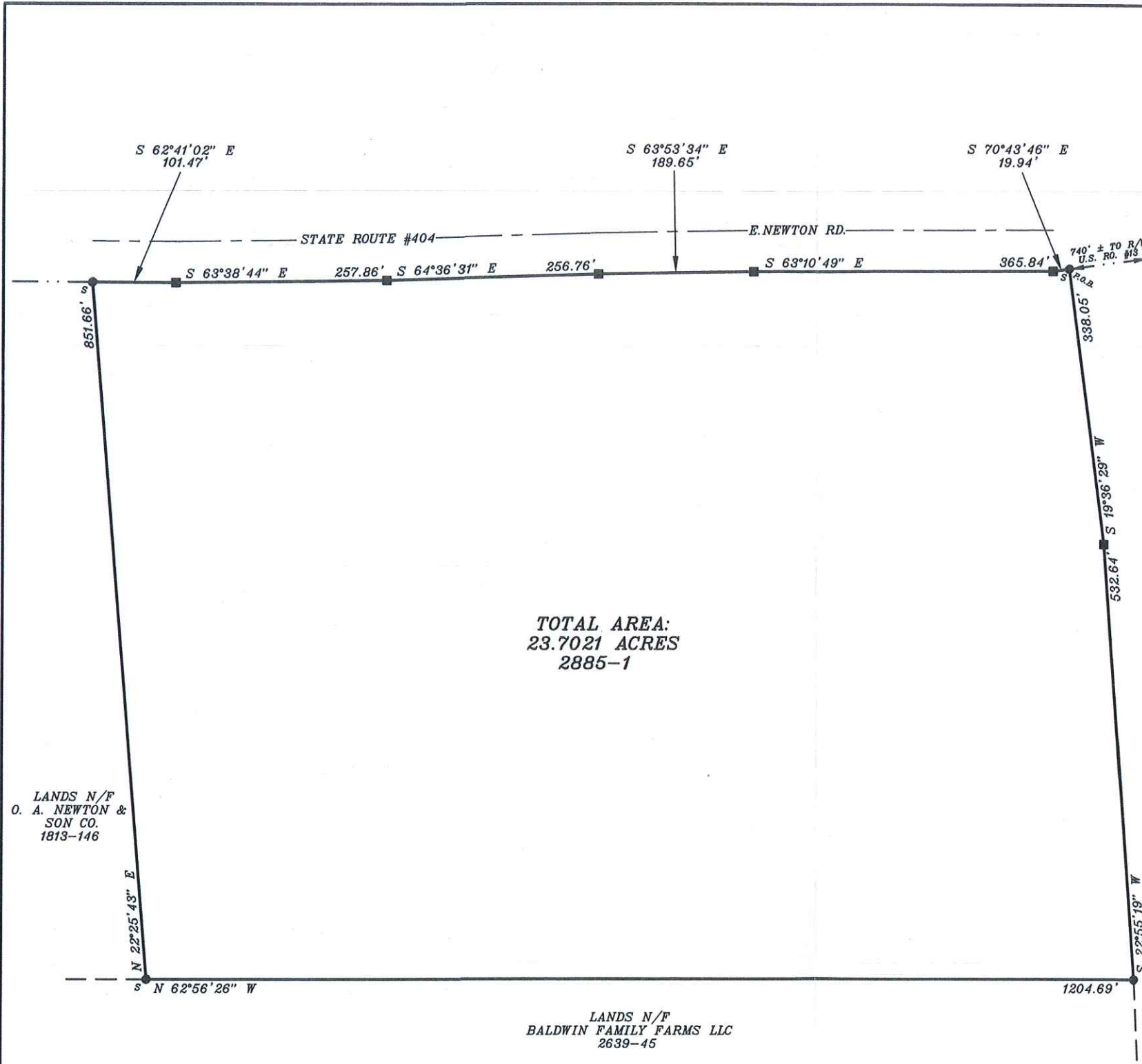
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Change of Zone is in a Tier 2 area for sanitary sewer service. However, the Sussex County Engineering Department does not currently have a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:

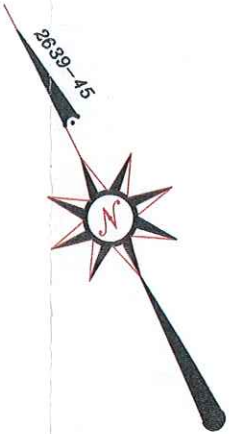


John J. Ashman
Director of Utility Planning

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



VICINITY MAP
SCALE: 1"=1MILE



- CONCRETE MONUMENT (FOUND)
- DISTURBED PIPE (FOUND)
- IRON PIPE (SET)
- POINT

PROPERTY SURVEY FOR
NEWTON FARMS LLC.

SCALE: 1"=100'

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

REGISTERED
No. 497
JANUARY 23, 2007

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

SUBURBAN SURVEY

Newton Farms, LLC

Change of Zone No. 1919

Newton Farms, LLC
16536 Sussex Highway
Bridgeville, DE 19933

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

David C. Hutt, Esquire
Morris James LLP

Public Hearings:

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

Table of Contents

1. Planning & Zoning Commission Application, Change of Zone No. 1919
2. Title to Property: Deed: Dated September 17, 2003, Deed Book 2885, Page 01
3. Survey of Property: Dated January 23, 2007 (Miller-Lewis, Inc.)
4. DelDOT Service Level Evaluation Request and Response
5. Sussex County Tax Maps
 - a. Tax Parcels
 - b. Zoning
 - c. Comprehensive Plan
 - d. Aerial Imagery
6. Firmette from FEMA Map Number 10005C0115K, dated March 16, 2015
7. 2020 Delaware State Strategies Map Excerpt
8. Other Aerial Imagery
 - a. Google Earth, Surrounding Area
 - b. Google Earth, Eastern Boundary
 - c. Google Earth, Western Boundary
9. Miller Metal Fabrication Architectural Rendering and Preliminary Site Plan
10. Proposed Findings of Fact

Tab “1”

File #: _____

Planning & Zoning Commission Application Sussex County, Delaware

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

RECEIVED

JAN 30 2020

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use _____

Zoning Map Amendment ☒

Site Address of Conditional Use/Zoning Map Amendment

8600 E Newton Rd, Bridgeville, DE

Type of Conditional Use Requested:

Not applicable.

Tax Map #: 131-6.00-8.00

Size of Parcel(s): 23.7021 ACRES

Current Zoning: C-1

Proposed Zoning: LI-2

Size of Building: 72,000 SF

Land Use Classification: Developing Area

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

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

Applicant Information

Applicant Name: Newton Farms, LLC

Applicant Address: 16536 Sussex Highway

City: Bridgeville

State: DE

Zip Code: 19933

Phone #: (302) 542-8767

E-mail: rob.riderjr.@oanewton.com

Owner Information

Owner Name: Newton Farms, LLC

Owner Address: 16536 Sussex Highway

City: Bridgeville

State: DE

Zip Code: 19933

Phone #: (302) 542-8767

E-mail: rob.riderjr.@oanewton.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. | Morris James LLP

Agent/Attorney/Engineer Address: 107 W. Market Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 856-0015

E-mail: dhutt@morrisjames.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

✓ **Completed Application**

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

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

✓ **Provide Fee \$500.00**

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

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✓ **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: 1/27/2020

Signature of Owner



Date: 1/20/2020

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

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

Date of CC Hearing: _____ Decision of CC: _____

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

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

PERMITS / INSPECTIONS

CHANGE OF ZONE - FEE

2020 Item: 202001083|Z015 500.00

500.00

Subtotal 500.00

Total 500.00

CHECK 500.00

Check Number 001106

Change due 0.00

Paid by: NEWTON FARMS LLC



Thank you for your payment

CUSTOMER COPY

January 25, 2020

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

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

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

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

Donald K. Miller, PLS #407

Tab “2”

56030

02885 001

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

Tax Map 1-31-10.00, Parcel 12.00;

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

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

NO TITLE OR LIEN SEARCH REQUESTED AND NONE PERFORMED

DEED

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

B E T W E E N,

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

A N D

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

W I T N E S S E T H:

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

TRACT NO. 1

Consideration: \$0.00 Exempt Code: A

County	State	Total
0.00	0.00	0.00

counter Date: 09/17/2003

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

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

EXCEPTING, THEREFROM, HOWEVER, the following conveyances away by Warren C. Newton and wife: Deed to William R. Conaway, dated December 31, 1962, recorded in Deed Book 553, Page 274, 17,500 square feet of land, more or less; Deed to O.A. Newton & Son Company, dated February 25, 1947, recorded in Deed Book EMK, Vol. 371, Page 32, 6.55 acres and 11.65 acres of land, more or less; Deed to J.N. Conaway dated December 31, 1956, recorded in Deed Book 469, Page 88, $\frac{1}{2}$ interest in 26,250 square feet of land, more or less; Deed to J.N. Conaway, February 28, 1957, recorded in Deed Book 474, Page 377, $\frac{1}{2}$ interest in 26,250 square feet of land, more or less; Deed to William R. Conaway, dated January 21, 1964,

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

TRACT NO. 2

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

TRACT NO. 3

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

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

TRACT NO. 4

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

COMMENCING at an iron stake on the South side of a private road and running South $16 \frac{3}{4}$ degrees West 125 rods to a stone; thence turning and running along and with the lands now or formerly of Oliver A. Newton North $79 \frac{1}{2}$ degrees West 134 $\frac{1}{2}$ rods to a red oak stump; thence turning and running along and with lands now or formerly of Elwood Rust, formerly belonging to H.P. Cannon Farms Company, Inc., North $36 \frac{3}{4}$ degrees East 113 rods to an iron spike in the aforementioned road; thence turning and running with said road South $87 \frac{1}{2}$ degrees East 114 $\frac{1}{2}$ rods, home to the place of beginning, containing ninety (90) acres of land, more or less.

TRACT NO. 5

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

BEGINNING in the center of a public road leading from Cocked Hat to lands now or formerly of Oliver A. Newton, in line with a stake on the North of said road; thence North with lands now or formerly of Luther Rust, North $38 \frac{1}{2}$ degrees West 130.1 perches to a stone in the line of lands now or formerly of Warren C. Newton; thence with said lands now or formerly of Warren C. Newton and lands now or formerly of Oliver A. Newton, South $15 \frac{1}{2}$ degrees West 54.4 perches to a stone; thence South $70 \frac{1}{2}$ degrees West 14.4 perches to a stone; thence South 09 degrees West 58.6 perches; thence South $36 \frac{3}{4}$ degrees East 58.4 perches to the middle of said public road; thence with the middle of said public road North 54 degrees East 108.5 perches to the place of beginning, containing sixty-three and one quarter ($63 \frac{1}{4}$) acres of land, more or less.

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

land, be it the same more or less.

TRACT NO. 6

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

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

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

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

TRACT NO. 7

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

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

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

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

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

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

TRACT NO. 8

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

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

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

TRACT NO. 9

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

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

TRACT NO. 10

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

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

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

TRACT NO. 2 - A small tract on the East side of the Delaware Railroad, beginning in the center of the public road at Dale's Crossing and running thence with said Railroad line South 17 3/4 degrees West 54 perches; thence with lands now or formerly of George V. Ruos, North 86 degrees East 31 perches to lands now or formerly of Mrs. Cahall North 12 1/2 degrees East 30 perches to the Polk Lot; thence North 68 1/2 degrees West 8 perches to a stone; thence North 14 1/2 degrees East 12 perches to the center of the public road; thence North 68 1/2 degrees West 18 perches to the place of beginning, containing 6 3/4 acres of land, more or less and making a total in the two tracts of 51-7/8 acres of land, more or less, according to survey and plot made December 18, 1936 by Clarence H. Melson, Surveyor.

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

TRACT NO. 11

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

COMMENCING at a point in the center of the public highway leading to Bridgeville, East of Dale's Crossing, and adjoining Lot now or formerly of Noah Kimmey; thence running with said lot and the lands now or formerly of Warren C. Newton and George Ruos South 12 degrees West 63 perches to a stone; thence turning and running with lands now or formerly of George Ruos South 79 1/2 degrees East 69 perches to a stone; thence South 20 degrees West 7 1/2 perches to a stake in the boundary line of the lands now or formerly of G. Dickerson; thence with said lands North 85 1/4 degrees East 51 8/10 perches to a stake; thence North 14 1/4 degrees East 32 2/10 perches to the center of said highway; thence North 68 1/4 degrees West 120 perches, home to the place of beginning, containing 32 1/2 acres of land, more or less.

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

TRACT NO. 12

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

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

TRACT NO. 13

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

No. 1 - Beginning at a point in the eastern side of the Delaware Railroad, a corner for lands now or formerly of said Warren C. Newton and said George Ruos, the said beginning point being distant southerly along the Railroad Company's lands, 891 feet from the center line of a dirt road from Dale's Crossing to Cocked Hat (also from Dale's Crossing easterly to Route 13); thence along and with the Railroad lands, southerly one and three-quarters (1 3/4) feet to a corner; thence a line (forming an angle with Railroad of 94 degrees and 36 minutes when projected from North

toward East), or South 68 degrees and 10 minutes East, four hundred and sixty-four and three-quarters (464 $\frac{3}{4}$) feet; thence North 12 $\frac{1}{2}$ degrees East 190 $\frac{3}{4}$ feet; thence in a Westerly direction along lands of said Newton to the place of beginning.

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

TRACT NO. 14

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

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

TRACT NO. 15

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

center of said road South $69 \frac{1}{2}$ degrees West 17.7 rods; thence leave said Road and run North $54 \frac{1}{4}$ degrees West $9 \frac{1}{4}$ rods to a post where formerly stood a cedar in line of lands now or formerly of said Short; thence with the same North 38 degrees East $73 \frac{1}{4}$ rods; thence North $8 \frac{1}{4}$ degrees West 31 rods to post, a corner of dower lands of the widow of said Thomas A. Moore, deceased, then with the same North $45 \frac{1}{4}$ degrees East 63.4 rods to a post; then South $40 \frac{1}{2}$ degrees East 106.2 rods to the center of the aforesaid public road; then down the same South $68 \frac{1}{2}$ degrees West 140.64 rods home to the place of beginning, containing fifty-six (56) acres and twenty-two (22) square rods of land, more or less.

EXCEPTING, THEREFROM, HOWEVER, the following conveyance away by Warren C. Newton and wife: Deed to Fred N. Truitt, dated March 9, 1946, recorded in the aforesaid Recorder's Office in Deed Book 362, Page 3, $\frac{1}{2}$ acre: Deed to O.A. Newton & Son Company, dated September 18, 1947, and recorded in the aforesaid Recorder's Office in Deed Book EMM, Vol. 373, Page 405, 33,480 square feet.

TRACT NO. 16

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

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

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

TRACT NO. 17

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

Beginning at a point at the run of Mortons Branch, a corner for lands now or formerly of Leonard Chaffinch; thence two courses with said lands, North forty-six and one-half degrees East ten hundred fifty (1,050) feet to a stone; North fifty-two degrees West, eight hundred (800) feet to the South side of the Bridgeville to St. Johnston State Highway; thence with same, North forty-seven degrees fifty three minutes East, five hundred seventy seven and one-half (577 ½) feet to the center line of the dirt road leading to Sunnyside School; thence along the center of same, South fifty three degrees East, twenty three hundred eighty eight (2,388) feet to a point opposite the center line of a ditch and a corner for lands now or formerly of Addison Tatman; thence with same, South nine degrees West, two hundred twenty eight (228) feet; thence continuing with said Tatman lands and with said ditch in part, South thirty nine degrees twenty two minutes West, twenty four hundred thirty (2,430) feet to the run of Mortons Branch; thence with lands now or formerly of William G. Passwaters, Northerly to the place of beginning, containing 104 ¼ acres of land, be the same more or less.

TRACT NO. 18

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

TRACT NO. 19

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

BEGINNING at a stake in the west line of the new dual highway and on the North side of the public road leading from Dale's Crossing to the Delaware State Police Station at Bridgeville, Delaware, commencing at the center of said road and running with the westerly edge of the right-of-way line of the aforementioned dual highway, North twelve degrees (12 degrees) East one hundred twenty-one (121) perches more or less to a stone; thence along the lands of Jane N. Rider North seventy-two and one-quarter degrees (72 $\frac{1}{4}$) West one hundred thirty-four and one-tenth perches (134.1) more or less to a stake in the Easterly edge of the right-of-way of the Delaware Railroad; thence with the Easterly edge of the right-of-way of said Delaware Railroad South seventeen and one-half degrees (17-1/2) West sixty-five and three-tenths (65.3) perches more or less to a cement post in the line of the said Delaware Railroad Company right-of-way; thence continuing along the said Easterly right-of-way of the Delaware Railroad South seventeen degrees (17) seventeen (17) minutes East seven hundred feet (700) to a point at the North side of the aforementioned public road leading from Dale's Crossing to the Delaware State Police Station, known as Delaware Route 584; thence South sixty-eight degrees (68) ten (10) minutes West along the said Northerly right-of-way, a distance of one hundred ten feet (110) to a point; thence South sixty-eight and one-quarter degrees (68 $\frac{1}{4}$) East, continuing along the said Northerly right-of-way of Delaware Route 584, a distance of one hundred thirty-eight and six-tenth perches (138.6) to the point where the Northerly right-of-way of Delaware Route 584 intersects with the Westerly right-of-way of the aforementioned dual highway, known as U.S. Route 13, containing 101.446 acres, more or less.

TRACT NO. 20

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

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

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

No. 2 - Beginning at a pipe located in the center of the private macadam road heretofore referred to, a distance of 211 feet Northwest of the beginning point of Tract No. 1 herein conveyed; thence with the center of said road and with a line of marks in the center of said private road at a bearing of approximately North 32 $\frac{1}{4}$ degrees West a distance of 594 feet to a pipe in the center of the aforesaid macadam road; thence with an interior angle of 90 degrees in a Southwesterly direction by and with the lands of Warren C. Newton a distance of 1,156 feet to a post in a ditch; thence by and with the center and meandering of said ditch a distance of approximately 676 feet to a post on the aforesaid ditch; thence in a Northeasterly direction by and with the lands of Warren C. Newton a distance of 839 feet to the place of beginning, the interior angle at the place of beginning being 87 $\frac{1}{2}$ degrees, be the contents thereof what they may, together with all improvements thereon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TRACT NO. 1

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

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

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

TRACT NO. 2

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

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

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

EXCEPTING thereout and therefrom the standing wooden electric

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[CORPORATE SEAL]

By: Kirsten J. Connolly
Vice President

Attest: Shirley D. Baxter
Secretary

STATE OF DELAWARE :
COUNTY OF SUSSEX : SS.
:

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

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

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

MY COMMISSION EXPIRES: 2/18/07

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

WITNESS:

[Signature]
[Signature]

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

[Signature] (SEAL)
Robert F. Rider, Trustee under
the Will of Elizabeth Newton

STATE OF DELAWARE

:
: SS.

COUNTY OF SUSSEX

:

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

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

[Signature]
Notary Public

(Typewritten Name of Notary Public)

MY COMMISSION EXPIRES: _____

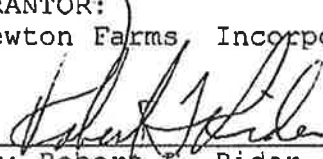
MICHELE E. BENNETT
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Oct 23 2005

02885 2027

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

WITNESS:

GRANTOR:
Newton Farms Incorporated

 (SEAL)
By: Robert F. Rider, Trustee

STATE OF DELAWARE

:
: SS:
:

COUNTY OF COUNTY

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

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


Notary Public

(Typewritten Name of Notary Public)

MY COMMISSION EXPIRES:

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

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

[illegible]

Exhibit A

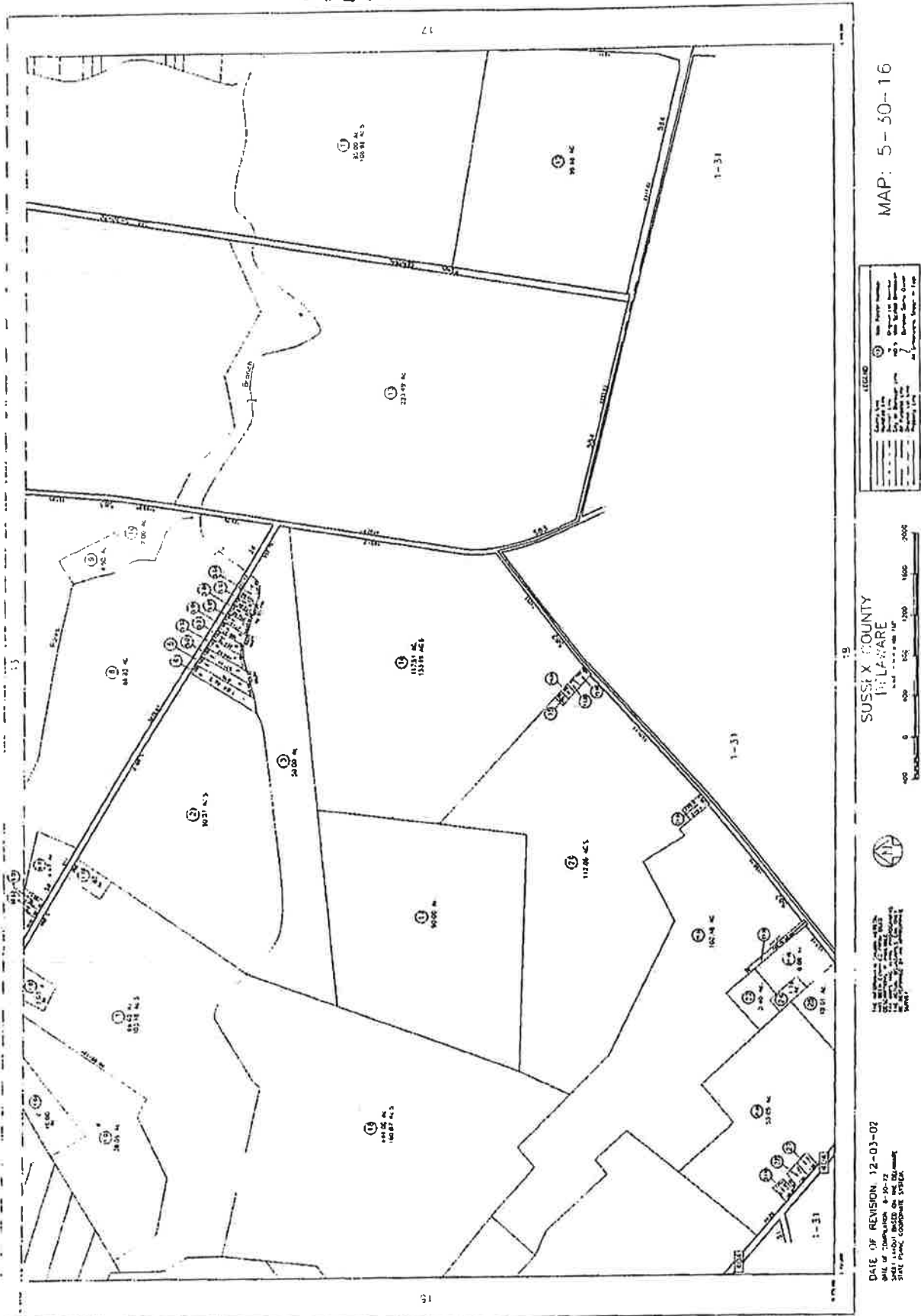


Exhibit C

02885 2031

2

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY

IN THE MATTER OF

NEWTON FARMS, INCORPORATED,
a Delaware corporation

C.A. #2246-S

ORDER

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

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


Chancellor

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

Received

SEP 18 2003

ASSESSMENT DIVISION
OF SUSSEX CTY

Tab “3”



VICINITY MAP
SCALE: 1"=1 MILE



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

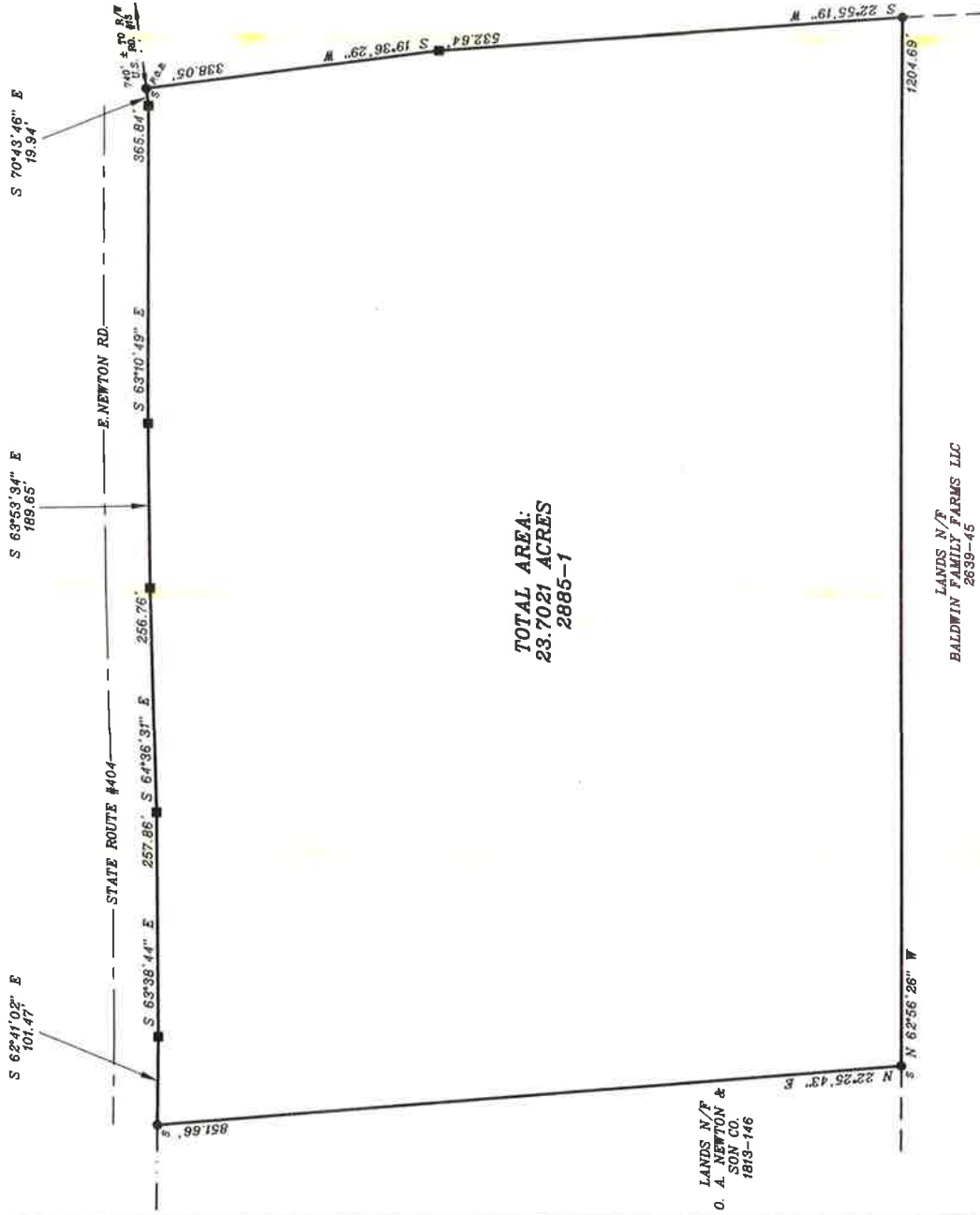
PROPERTY SURVEY FOR
NEWTON FARMS LLC.

SCALE: 1"=100'



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

SUBURBAN SURVEY



- CONCRETE MONUMENT (FOUND)
- DISTURBED PIPE (FOUND)
- IRON PIPE (SET)
- POINT

Tab “4”

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountype.gov

Service Level Evaluation Request Form

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

Date: 11/27/19

Site Information:

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

Tax Parcel Number: 131-6.00-8.00

Current Zoning: C-1

Proposed Zoning: LI-2

Land Use Classification: Developing Area

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

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

Applicant Information:

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

Applicant's Address: 16356 Sussex Highway

City: Bridgeville

State: DE

Zip Code: 19933

Applicant's Phone Number: (302) 542-8767

Applicant's e-mail address: rob.riderjr@oanewton.com



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

Last updated 7-27-18



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

JENNIFER COHAN
SECRETARY

January 2, 2020

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

Dear Ms. Cornwell:

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

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

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

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



Ms. Janelle M. Cornwell
Page 2 of 2
January 2, 2020

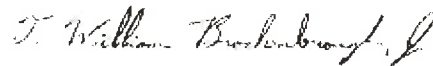
would generate 204 vehicle trips per day, 100 vehicle trips during the morning peak hour, and 100 vehicle trips during the evening peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the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

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

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure

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



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

JENNIFER COHAN
SECRETARY

MEMORANDUM

TO: Susanne Laws, Sussex Review Coordinator
FROM: Troy Brestel, Project Engineer **TEB**
DATE: September 9, 2019
SUBJECT: **MillerMetal Fabrication Facility – (Protocol Tax Parcel #131-6.00-8.00)**
Area Wide Study Fee and Off-site Improvements

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

- 1) The proposed development consists of a 67,500 square foot fabrication facility. Per review of information supplied by the developer, we have determined that the proposed development would generate 204 daily trips and 100 hourly trips for both the a.m. and p.m. peak hours. The fee is calculated at ten dollars per daily trip. For the proposed development, the fee would be \$2,040.00.
- 2) There are no off-site improvements that the developer will be required to make or participate in.

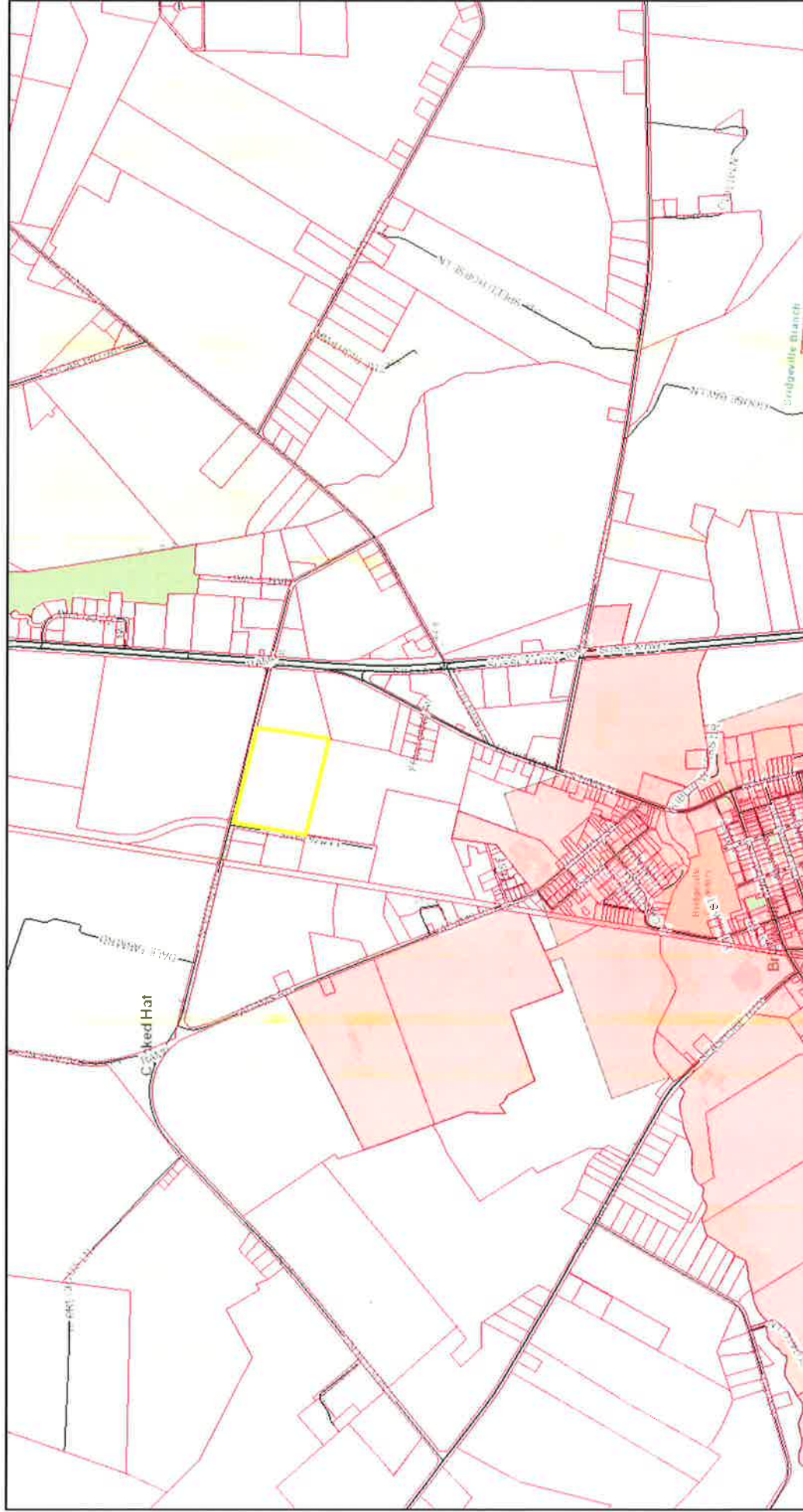
If you have any additional questions or comments, please let me know.

TB:km

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

Tab “5”

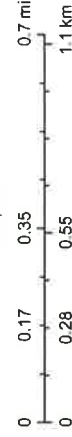
Sussex County



August 29, 2020

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

1:18,056



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

Sussex County



August 29, 2020

Override 1

Override 2

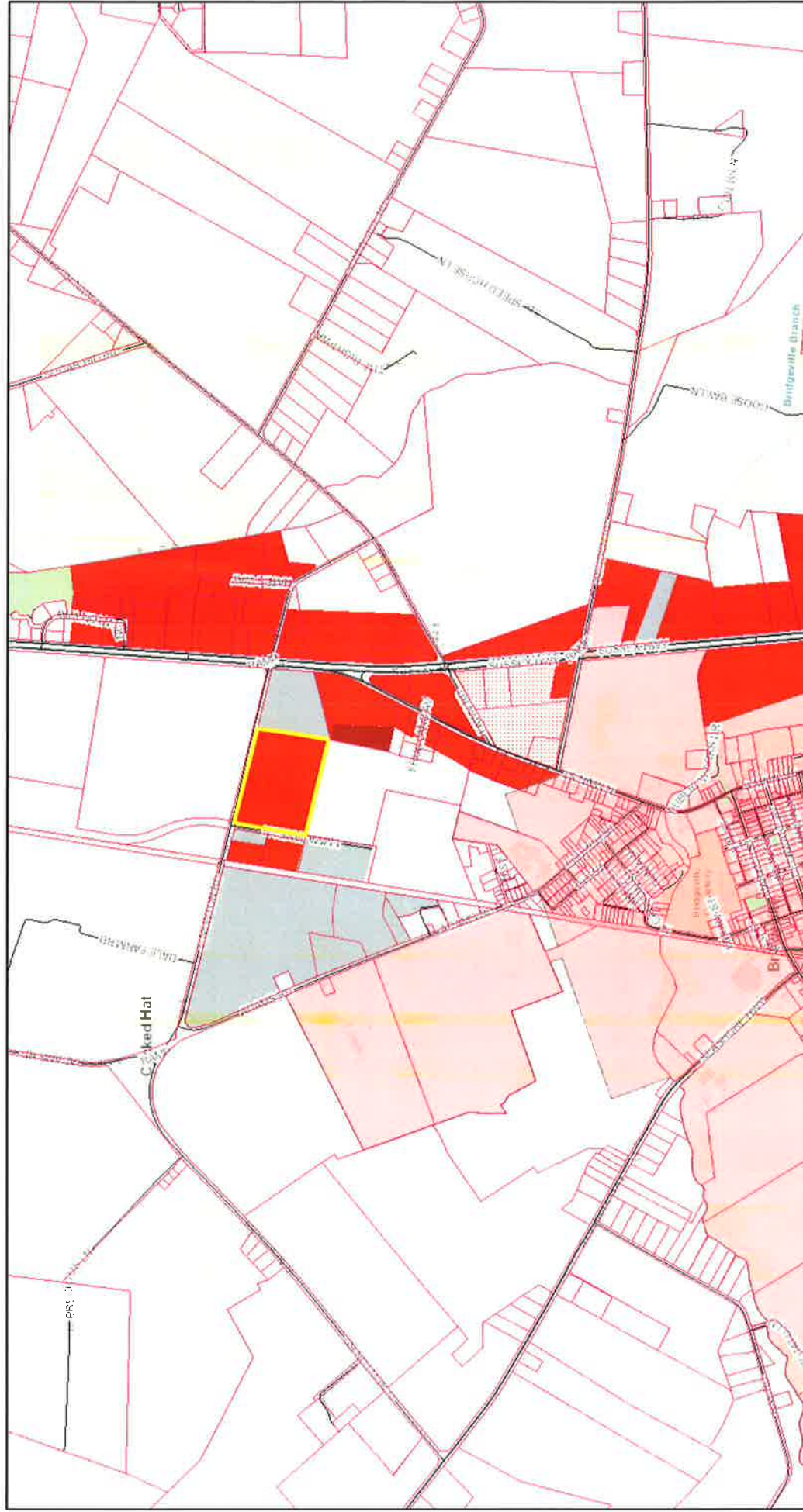
Tax Parcels

Streets

County Boundaries

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

Sussex County



August 29, 2020

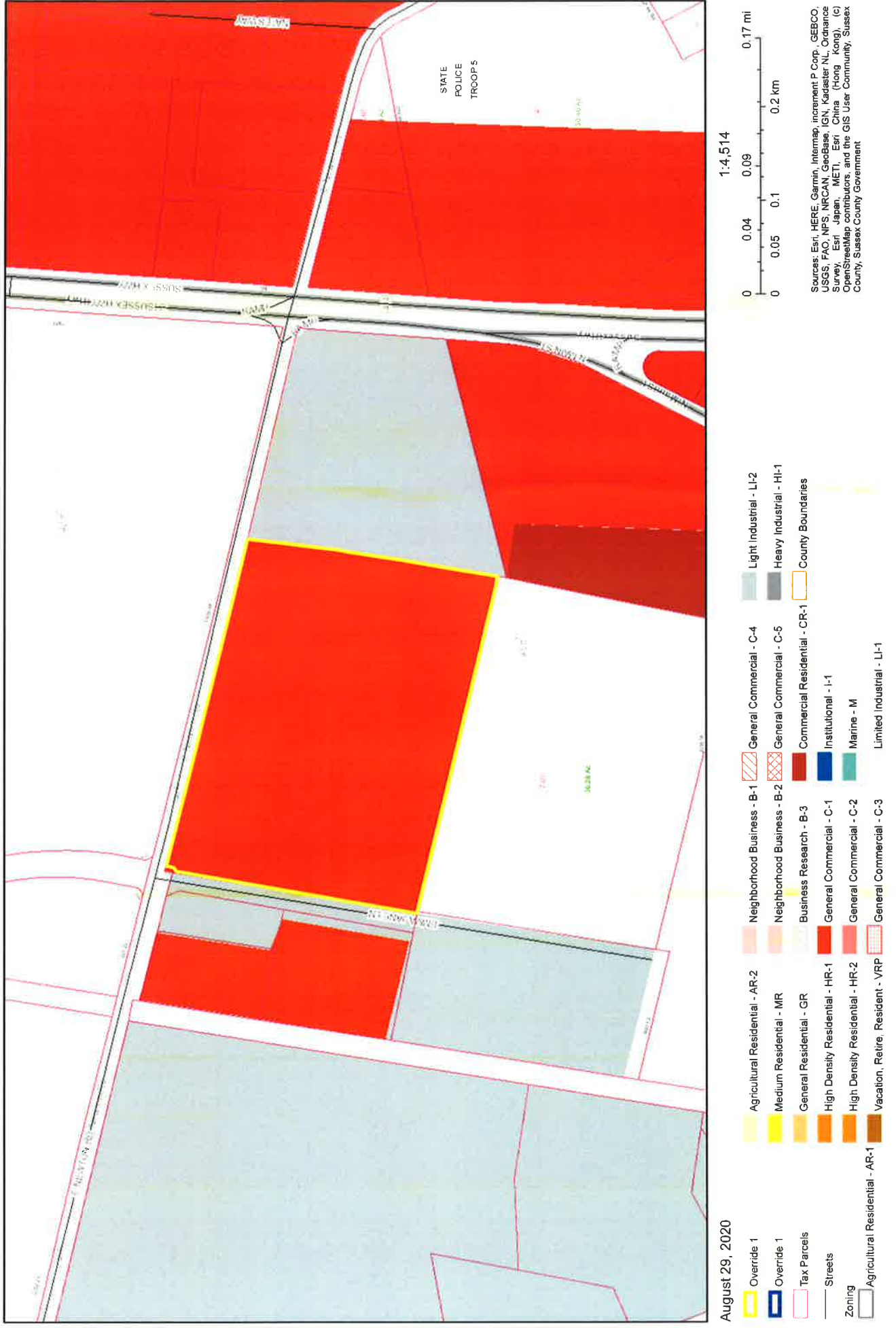
- Overlay 1
- Overlay 1
- Tax Parcels
- Streets
- Zoning
- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Neighborhood Business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

1:18,056



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

Sussex County



Sussex County



August 29, 2020

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

1:18,056



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

Sussex County



August 29, 2020

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

1:18,056



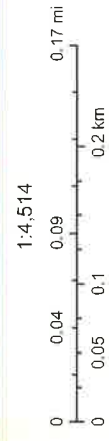
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Delaware Geological Survey, Sussex County Government, FirstMap

Sussex County



August 29, 2020

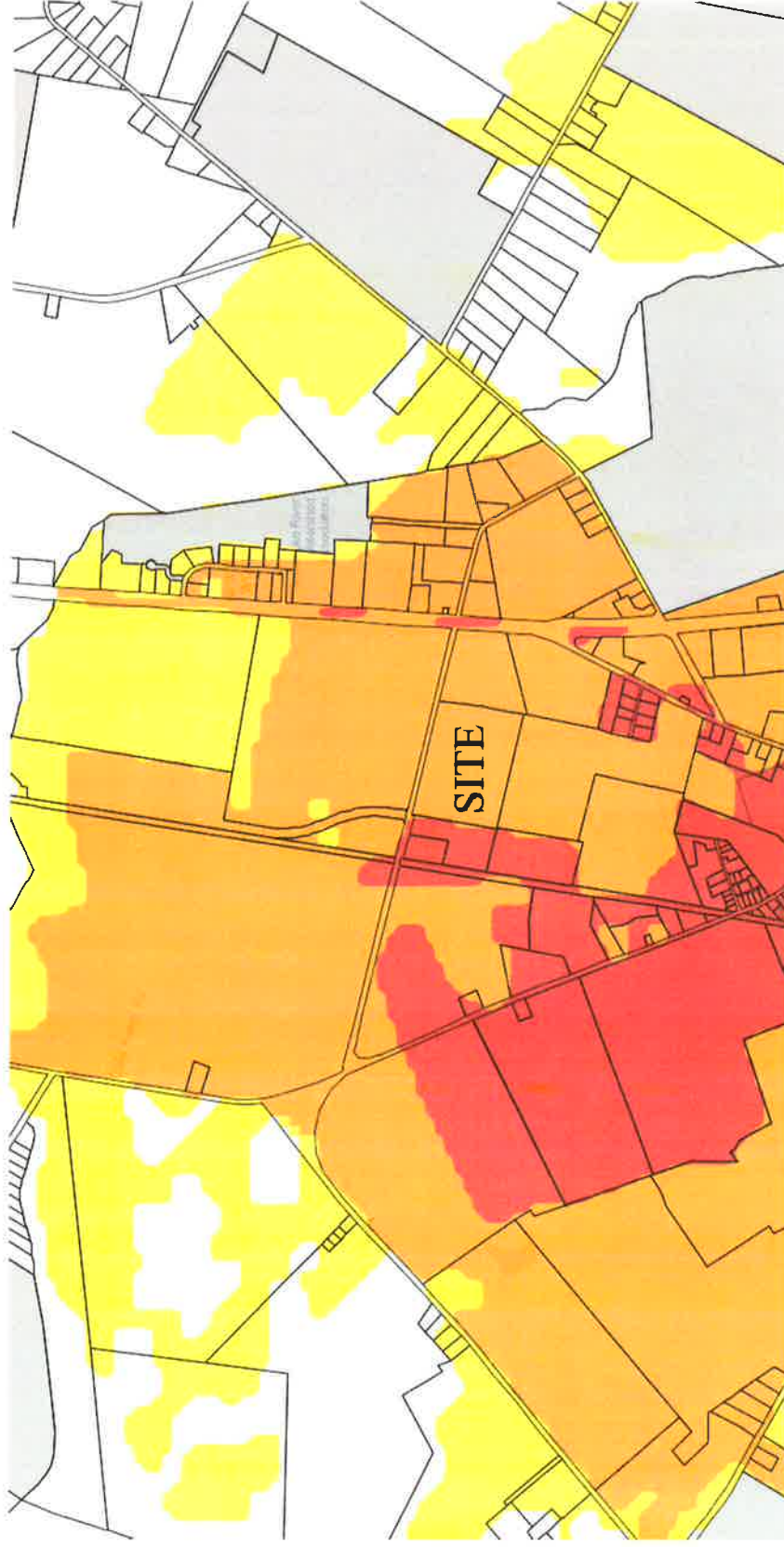
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries



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

Tab “6”

Tab “7”



DE_State_Strategies_2020

2020 State Strategies

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

DELAWARE STATE STRATEGIES MAP 2020

Tab “8”



INTERSECTION of SR404/US 113



Eastern Boundary (O.A. Newton)



Emma Jane Lane

Legend

Western Boundary (Emma Jane Lane)

Tab “9”



Miller Metal Fabricating Architectural Renderings





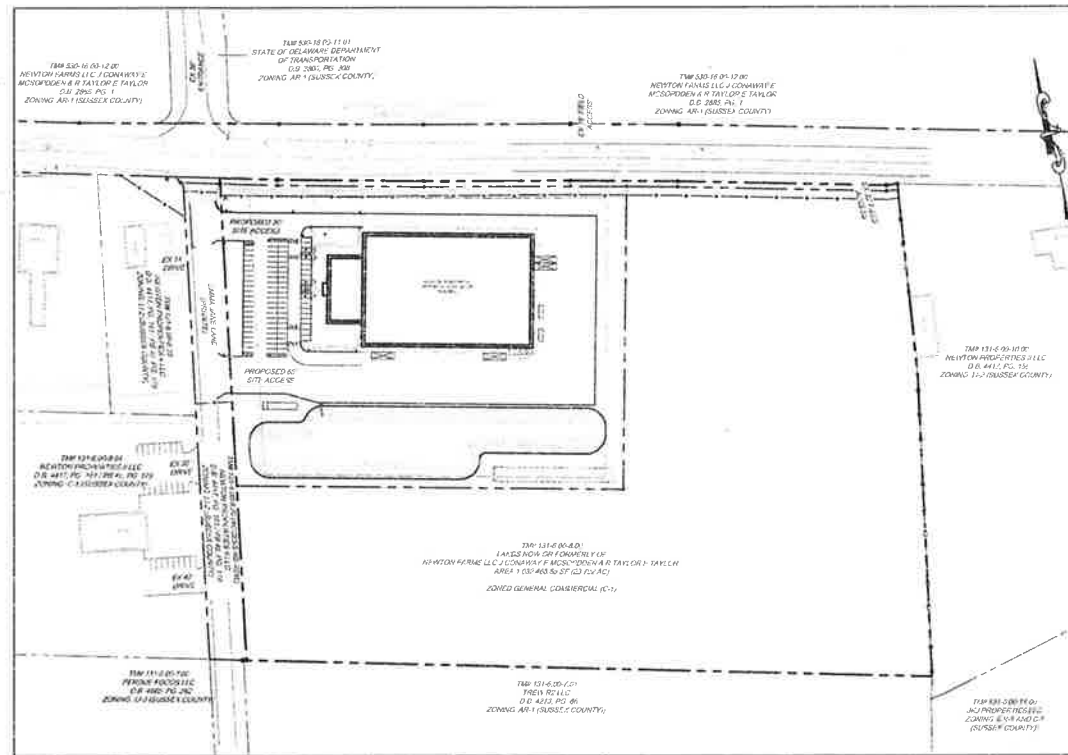
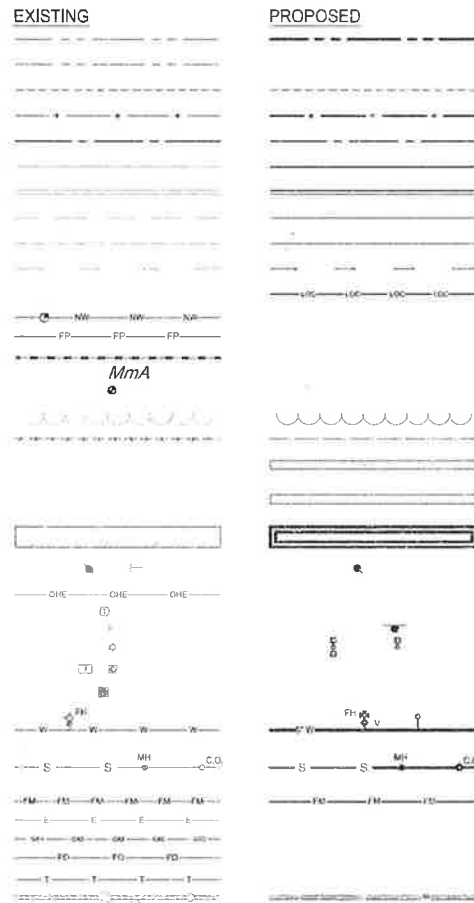


MILLERMETAL FABRICATION FACILITY

SUSSEX COUNTY PROJECT REFERENCE # S-20-17 PRELIMINARY SITE PLANS

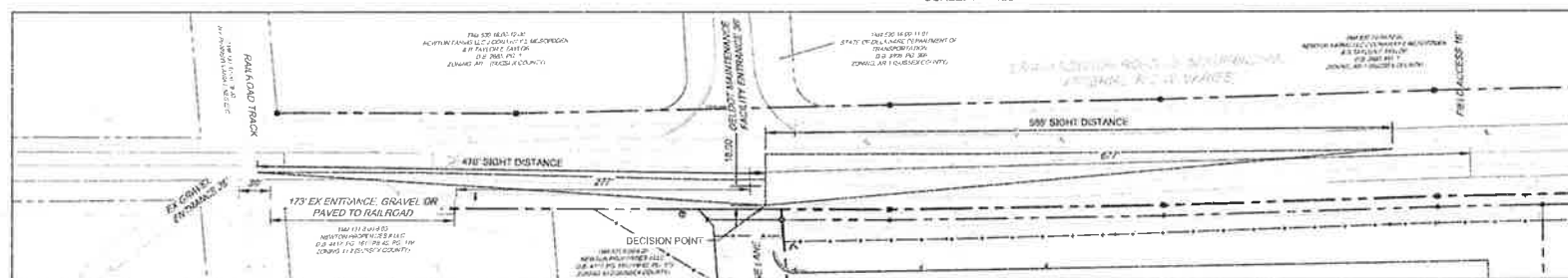
LEGEND

PROPERTY LINE / RIGHT OF WAY
ADJOINING PROPERTY LINE
BUILDING RESTRICTION LINE
EASEMENT
CENTER LINE OF ROAD
EDGE OF PAVING
CURB
DRIVEWAY
CONTOURS
SWALE
LIMIT OF CONSTRUCTION
WETLANDS LINE AND FLAG
FLOODPLAIN
SOILS DESIGNATION
SOIL BORING
WOODS
FENCE
SIDEWALK
SHARED USE PATH
BUILDING
UTILITY POLY/UT WIRE
OVERHEAD ELECTRIC
CABLE, TV, PEDESTAL OR HAND HOLE
TRAFFIC SIGN
SINGLE & TWIN HEAD SITE LIGHT
ELECTRICAL HAND HOLE AND TRANSFORMER
FIBER OPTIC HAND HOLE
WATER MAIN, FIRE HYDRANT, VALVE, SERVICE ASSEMBLY AND VETER PIT
SEWER MAIN, MANHOLE & CLEANOUT
SANITARY SEWER FORCE MAIN
UNDERGROUND ELECTRIC
UNDERGROUND GAS
UNDERGROUND FIBER OPTIC
TELEPHONE LINE
STORM WATER PIPE, MH, AND CO



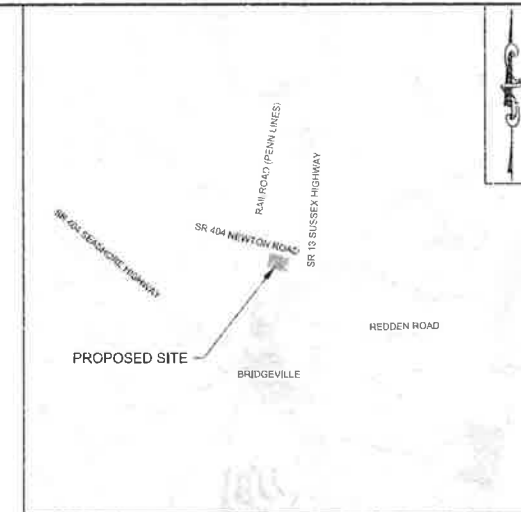
SITE OVERVIEW & ADJACENT ZONING

SCALE: 1" = 150'



SIGHT DISTANCE

SCALE: 1" = 80'



LOCATION MAP

SCALE: 1" = 1 MILE



SOILS & FLOODPLAIN MAP

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

SCALE: 1" = 500'

SYMBOL	NAME	SOIL GROUP
HbA	HAMBROOK SANDY LOAM, 0 TO 2 PERCENT SLOPES	II
HbB	HAMBROOK SANDY LOAM, 0 TO 2 PERCENT SLOPES	II
HbC	HAMBROOK SANDY LOAM, 0 TO 2 PERCENT SLOPES	II

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

ENGINEERS CERTIFICATION

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

DAVID M. HEATWOLD, P.E. (DE 11568) DE 117766 DATE
15 COMMERCE STREET
HARRINGTON, DE 19952

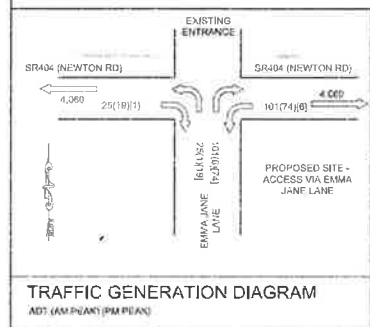
DEVELOPER'S CERTIFICATION

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

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

TRAFFIC GENERATION - SR404 NEWTON RD (S 582)

(FULL MOVEMENT)



PROJECT TEAM

OWNER/DEVELOPER
MILLERMETAL FABRICATION, INC.
8600 E NEWTON ROAD
BRIDGEVILLE, DE 19933
(302) 337-2291

SITE PLANNER, ENGINEER AND SUPERVISOR
SITEWORKS ENGINEERING
15 COMMERCE STREET
HARRINGTON, DE 19952
(302) 841-7001

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

INDEX OF DRAWINGS

Sheet Number	Sheet Title
R-1	RECORD PLAN COVER SHEET
R-2	RECORD PLAN NOTES
R-3	SUBDIVISION PLAN
R-4	PRELIMINARY SITE PLAN

OWNER(S) CERTIFICATION

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

NEWTON FARMS LLC
PO BOX 397
BRIDGEVILLE, DE 19933

OWNER(S) CERTIFICATION

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

NEWTON PROPERTIES II LLC
PO BOX 397
BRIDGEVILLE, DE 19933

**STEVENWORKS
ENGINEERING**
PO BOX 2119 COMMERCE ST. HARRINGTON, DE 19952 Phone: (302) 841-7901

MILLERMETAL FABRICATION FACILITY

TAX PARCEL NO. 131-6.00-8.00

SR 404 NEWTON ROAD (S 582)

NORTHWEST FORK HUNDRED, SUSSEX COUNTY

15421 HARRINGTON BLOCK

5/1/20 - SUSSEX COUNTY #12
7/2/20 - DELDOT
7/2/20 - STATE FIRE MARSHAL
7/16/20 - SUSSEX CONSERVATION
8/28/20 - DELDOT

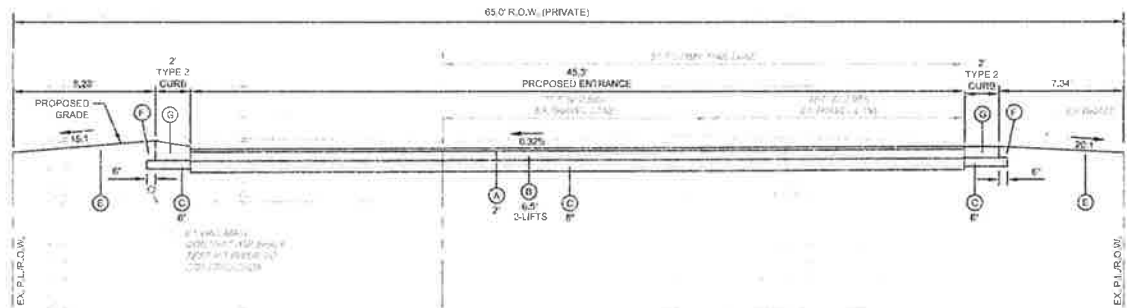
SCALE: PROJECT # DRAWN BY
AS NOTED: MM/1201 DMM
DRAWING NUMBER

R-1

TYPICAL SECTION LEGEND

- A ITEM 401005 - SUPERPAVE TYPE C, PG 70-22, CARBONATE STONE
- B ITEM 401015 - SUPERPAVE TYPE B, PG 70-22
- C ITEM 331001 - GRADED AGGREGATE BASE COURSE, TYPE B
- D ITEM 905220 - EROSION CONTROL BLANKET MULCH, TYPE 3 FOR 1 ROLL WITH MINIMUM 6" OF WIDTH
- E ITEM 906004 - TOPSOIL, 6" DEPTH OR
ITEM 608010 - TOPSOILING, 6" DEPTH
ITEM 906014 - PERMANENT GRASS SEEDING, DRY GROUND
- F ITEM 206006 - BORNDOW, TYPE F
- G ITEM 701014 - PORTLAND CEMENT CONCRETE CURB - TYPE 2 (PER DELDOT STANDARD DETAIL, C-1)
- H TAPER MILL AND OVERLAY TO FINAL GRADE
- I NOT USED
- J SAFETY EDGE (PER DELDOT STANDARD DETAIL, P-6)
- K ITEM 401005 - SUPERPAVE TYPE C, PG 61-22 (CARBONATE STONE)

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



EMMA JANE LANE ENTRANCE SECTION

SCALE: 1"= 5'

DELDOT RECORD PLAN NOTES

REVISED MARCH 21, 2019

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATIONS (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- SHRUBBERY PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER. THE PROPERTY OWNERS WITHIN THIS SUBDIVISION, OR BOTH, (TITLE 17 §131), DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SHARE USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THE SHARED USE PATH.
- ALL LOTS SHALL HAVE ACCESS FROM INTERNAL STREETS.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG NEWTON ROAD, ROUTE 404, WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPLE ARTERIAL AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DOM) IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT. FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION, ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DOM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND-USES (SUCH AS THOSE DESCRIBED IN DOM FIGURE 3.6.3.A- NOISE ABATEMENT CRITERIA), WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON-RESIDENTIAL USES AS SHOWN IN DOM FIGURE 3.6.3.A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.
- IN ACCORDANCE WITH A DELDOT MEMORANDUM FROM TROY BRESTEL, PROJECT ENGINEER, DATED SEPTEMBER 9, 2016, THE MILLERMETAL FABRICATION FACILITY PROJECT MEETS DELDOT'S VOLUME WARRANTS TO PAY THE AREA WIDE STUDY FEE IN LIEU OF DOING A TRAFFIC IMPACT STUDY (TIS) AND THERE ARE NO OFF-SITE IMPROVEMENTS THAT THE DEVELOPER WILL BE REQUIRED TO MAKE OR PARTICIPATE IN.

SITE DATA:

- TAX MAP NUMBER(S) 131-6-00-8.00 & 131-6-00-8.05
- PARCEL 131-6-00-8.00 OWNER NEWTON FARMS LLC, J. CONAWAY, & E. MCSOPDEN 23.702 ACRES GROSS PROPERTY AREA 0.274 ACRES AREA DEDICATED TO DELDOT 0.017 ACRES PARCEL AREA / NET DEVELOPMENT AREA 14.928 ACRES (REMAINING LANDS) RESIDUAL PROPERTY AREA PARCEL 131-6-00-8.05 OWNER NEWTON PROPERTIES II LLC 1.273 ACRES GROSS PROPERTY AREA 0.017 ACRES AREA DEDICATED TO DELDOT 1.256 ACRES REMAINING LANDS
- EXISTING & PROPOSED LOTS 1 EXISTING - 2 PROPOSED
- DEVELOPER NAME MILLERMETAL FABRICATION, INC. NEWTON PROPERTIES II, LLC
- PROPERTY ADDRESS 8500 NEWTON ROAD BRIDGEVILLE, DE 19880
- GOVERNMENTAL ENTITY RESPONSIBLE FOR LAND USE APPROVAL SUSSEX COUNTY
- HUNDREDCOUNTY NORTHWEST FOUR HUNDRED / SUSSEX COUNTY
- CURRENT ZONING C-1 - GENERAL COMMERCIAL
- PROPOSED ZONING LI-2 - LIMITED INDUSTRIAL 2
- PRESENT USE TILLED CROPS
- PROPOSED USE METAL FABRICATION SHOP
- GROSS LEASABLE FLOOR AREA 67,320 SF
- MINIMUM LOT SIZE AREA = 1 ACRES WIDTH = 150 FEET DEPTH = 200 FEET
- REQUIRED LI-2 SETBACKS (B.R.L.) FRONT: 50-FEET SIDE: 20-FEET REAR: 20-FEET
- MAXIMUM HEIGHT REQUIREMENT PROPOSED HEIGHT: 52-FEET <52-FEET
- REQUIRED PARKING 1 FOR EVERY TWO EMPLOYEES ON THE MAJOR SHIFT (MANUFACTURING) EMPLOYEES ON MAJOR SHIFT (B1) PARKING SPACES REQUIRED = 41 PARKING SPACES PROVIDED = 40
- LOADING SPACE REQUIRED 4 SPACES 4 SPACES PROVIDED
- WATER SUPPLIER ON-SITE WELL
- SANITARY SEWER PROVIDER ON-SITE WASTEWATER DISPOSAL SYSTEM
- PROJECT DATUM HORIZONTAL NAD 83 VERTICAL NAVD83
- FEMA FLOOD MAP PER FEMA FLOOD MAP 1606020115K EFFECTIVE 3/18/2015, THE SITE IS NOT SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.
- POSTED SPEED LIMIT FOR E NEWTON RD (SCR 282) 45 MPH
- 2015 STATE INVESTMENT AREA LEVEL 2
- LATITUDE AND LONGITUDE STATE PLAN COORDINATES: LATITUDE: N 38° 45' 35" LONGITUDE: W 75° 35' 59"
- WETLAND AREA 0.00 ACRES
- PROPOSED DISCHARGE LOCATION INFILTRATION / EX CLOSED DRAINAGE
- PROXIMITY TO TLO NOT WITHIN AN IDENTIFIED TLO
- LIMIT OF DISTURBANCE 6.4 ACRES
- WATERSHED NANTICOKE RIVER

GENERAL NOTES:

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

SITEWORKS
ENGINEERING

PO BOX 2119 COMMERCE ST. HARRINGTON, DE 19952 Phone: (302) 841-7901

RECORD PLAN NOTES

MILLERMETAL FABRICATION FACILITY

TAX PARCEL NO. 131-6.00-8.00

SR 404 NEWTON ROAD (S 582)

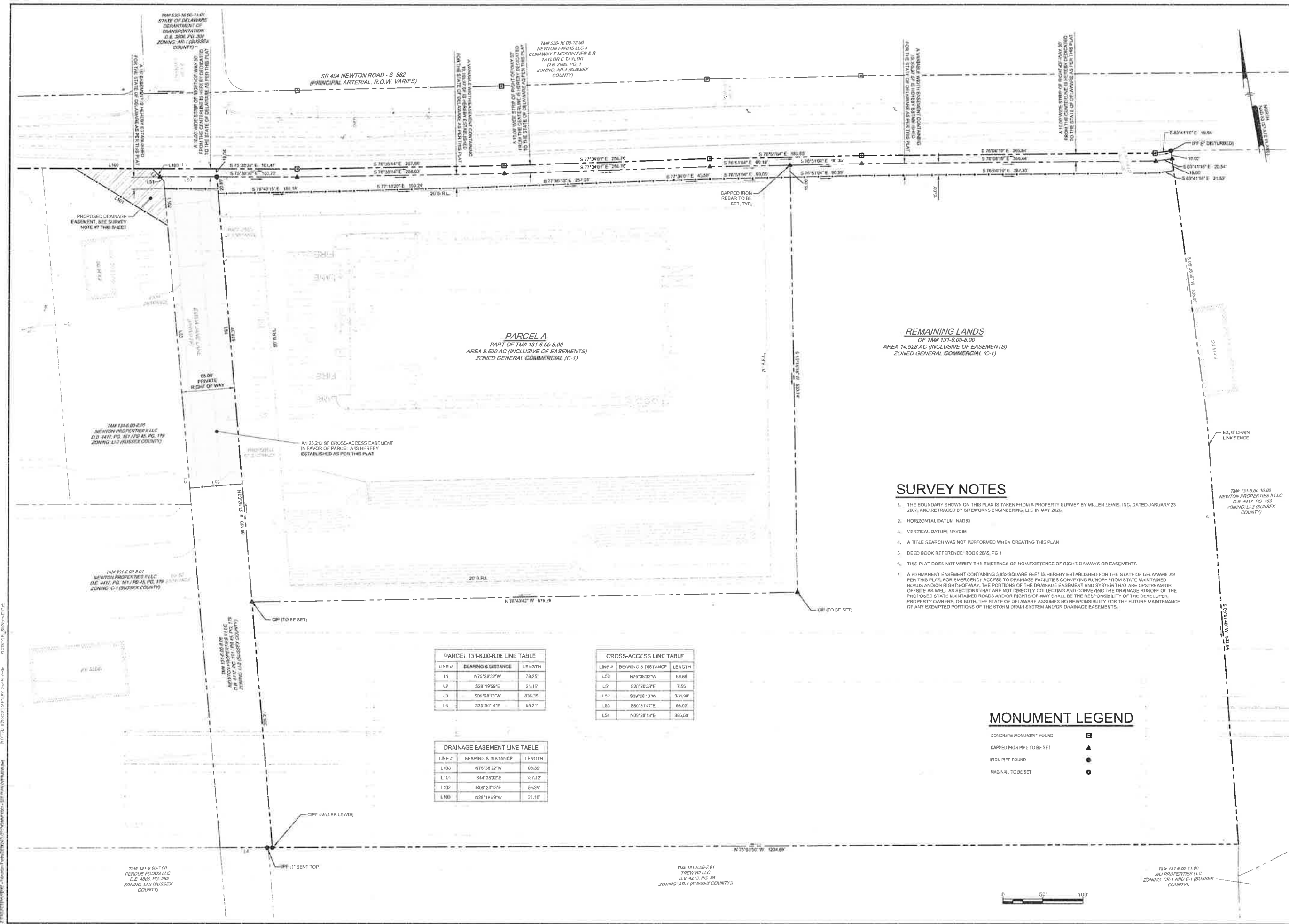
NORTHWEST FORK HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

5/1/20 - SUSSEX COUNTY PSZ
7/2/20 - DELDOT
7/1/20 - STATE FIRE MARSHAL
7/10/20 - SUSSEX CONSERVATION
8/26/23 - DELDOT

SCALE PROJECT # DRAWN BY
AS NOTED MMF2001 CMH
DRAWING NUMBER

R-2



PARCEL A
PART OF TWP 131-6.00-8.00
AREA 8.500 AC (INCLUSIVE OF EASEMENTS)
ZONED GENERAL COMMERCIAL (C-1)

REMAINING LANDS
OF TWP 131-6.00-8.00
AREA 14.928 AC (INCLUSIVE OF EASEMENTS)
ZONED GENERAL COMMERCIAL (C-1)

SURVEY NOTES

1. THE BOUNDARY SHOWN ON THIS PLAN IS TAKEN FROM A PROPERTY SURVEY BY MILLER LEWIS, INC. DATED JANUARY 23, 2007, AND RE-TRACED BY SITEWORKS ENGINEERING, LLC IN MAY 2020.
2. HORIZONTAL DATUM: NAD83
3. VERTICAL DATUM: NAVD86
4. A TITLE SEARCH WAS NOT PERFORMED WHEN CREATING THIS PLAN
5. DEED BOOK REFERENCE: BOOK 2845, PG. 1
6. THIS PLAN DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS.
7. A PERMANENT EASEMENT CONTAINING 3,833 SQUARE FEET IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAN, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPTED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.

MONUMENT LEGEND

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

PARCEL 131-6.00-8.06 LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L1	N75°38'32"W	78.25'
L2	S28°19'59"E	21.11'
L3	S08°28'13"W	836.35'
L4	S75°54'14"E	65.21'

CROSS-ACCESS LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L50	N75°38'32"W	88.86'
L51	S28°19'59"E	7.55'
L52	S08°28'13"W	344.99'
L53	S80°31'47"E	65.00'
L54	N09°28'13"E	385.00'

DRAINAGE EASEMENT LINE TABLE		
LINE #	BEARING & DISTANCE	LENGTH
L100	N75°38'32"W	89.39'
L101	S41°35'02"E	137.12'
L102	N08°28'13"E	55.39'
L103	N23°19'59"W	21.16'



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SUBDIVISION PLAN

MILLERMETAL FABRICATION FACILITY

TAX PARCEL NO. 131-6.00-8.00

SR 404 NEWTON ROAD (S 582)

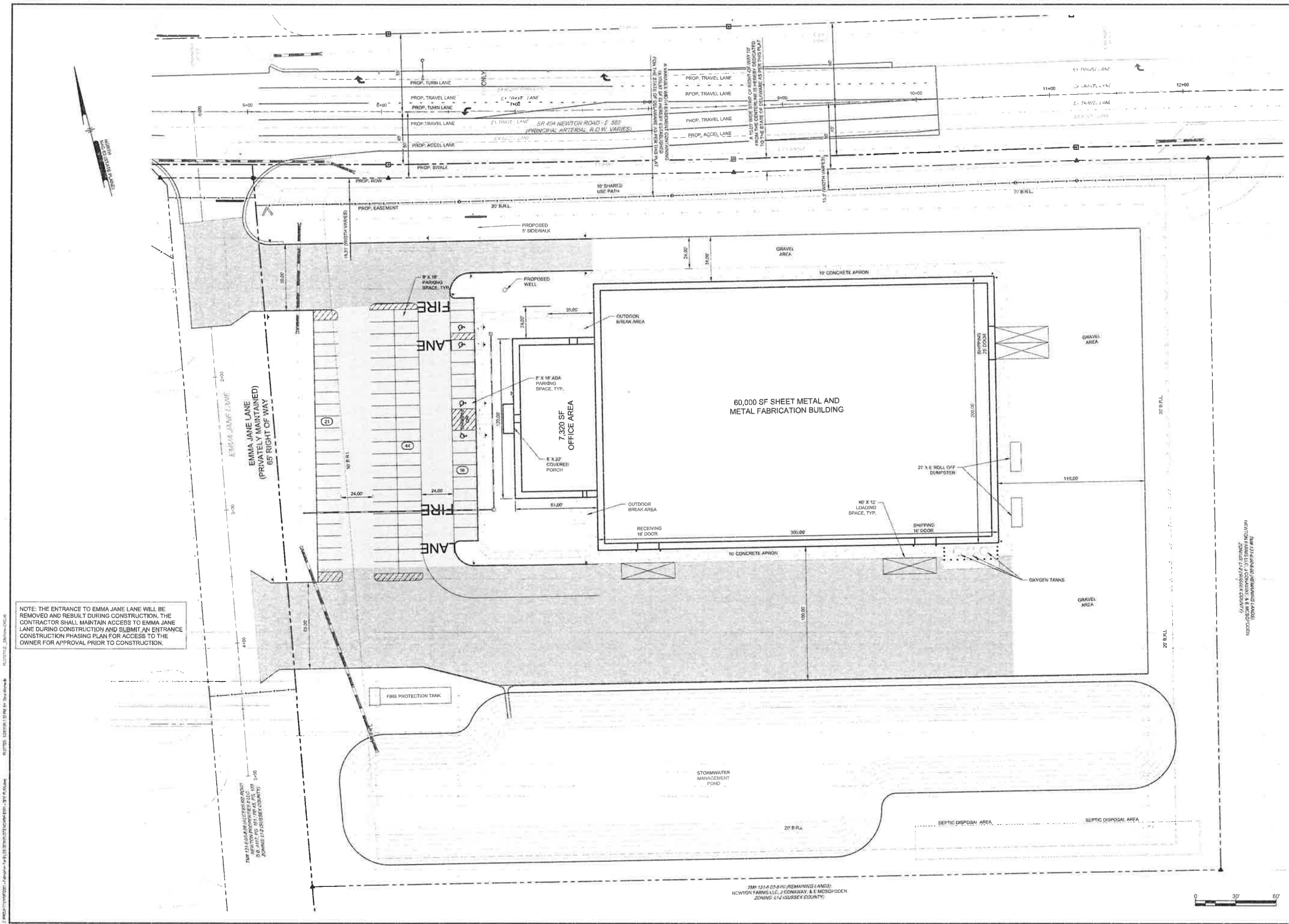
NORTHWEST FORK HUNDRED, SUSSEX COUNTY

ISSUED / REVISION BLOCK

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

SCALE: PROJECT # DRAWING D1
1" = 60' MAT'D 0001 DWH
DRAWING NUMBER

R-3



NOTE: THE ENTRANCE TO EMMA JANE LANE WILL BE REMOVED AND REBUILT DURING CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN ACCESS TO EMMA JANE LANE DURING CONSTRUCTION AND SUBMIT AN ENTRANCE CONSTRUCTION PHASING PLAN FOR ACCESS TO THE OWNER FOR APPROVAL PRIOR TO CONSTRUCTION.

SITEWORKS
ENGINEERING
PO BOX 2119 COMMERCE ST., HARRINGTON, DE 19552 Phone: (302) 841-7901

PRELIMINARY SITE PLAN

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

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

SCALE: PROJECT & DRAWN BY
1" = 20' MMF D001 DMH

DRAWING NUMBER
R-4

Tab “10”

PROPOSED FINDINGS OF FACTS

C/Z 1919

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

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

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

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

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

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

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

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

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

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

11. There are no wetlands located on the property.
12. The property is located on Delaware Route 404 (East Newton Road), a principal arterial, a place where the Zoning Code and Comprehensive Plan encourage growth and industrial-style uses, and one of Sussex County's primary east-west travel routes.
13. The property is less than 800 feet from U.S. Route 13 (Sussex Highway) one of Sussex County's primary north-south travel routes.
14. In the immediate area there exist numerous industrial and commercial uses which are similar to the proposed use(s) for this property.
15. DelDOT responded to the Service Level Evaluation Request and stated that the proposed project will have a Minor impact on the local area roadways and, pursuant to the Development Coordination Manual, the applicant can pay an Area-Wide Study Fee in lieu of a Traffic Impact Study.
16. The property will be served by private (on-site) wells for domestic use and fire protection subject to the review and approval of the Delaware State Department of Natural Resources and Environmental Control and the Delaware Division of Public Health.
17. The property will be served by a private (on-site) wastewater disposal system subject to the Delaware State Department of Natural Resources and Environmental Control's regulations governing the design, installation and operation of on-site wastewater treatment and disposal systems.
18. As a part of site plan approval for any future use, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from any land disturbance activity on site.
19. The proposed LI-2 (Light Industrial District) zoning classification is in character with the nature of the area, will not adversely affect the neighboring and adjacent properties, and is consistent with the purpose of the LI-2 zoning district and the character and trend of development along E. Newton Road.
20. The proposed project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.
21. All factors have been considered and the proposed LI-2 (Light Industrial District) classification meets the purposes and goals of the County's Comprehensive Plan and its Zoning Code. The addition of areas for light manufacturing, fabricating, processing, wholesale distributing and warehousing permitted in the LI-2 (Light Industrial District) zoning district is appropriate for and consistent with this area along Delaware Route 404. As a result, the proposed LI-2 (Light Industrial District) classification is consistent with the Sussex County Comprehensive Land Use Plan.