

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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



Memorandum

To: Sussex County Planning Commission Members

From: Jamie Whitehouse, Director, Department of Planning & Zoning; Jenny Norwood, Planning and Zoning Manager; Lauren DeVore, Planner III; Christin Scott, Planner I; and Elliott Young, Planner I

CC: Vince Robertson, Assistant County Attorney

Date: December 8th, 2021

RE: Other Business for the December 16th Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the December 16, 2021 Meeting of the Planning & Zoning Commission.

Lands of Dutch Brothers, LLC

KS

Minor Subdivision off of a 50-ft Easement

This is a Minor Subdivision for the subdivision of a 5 acre +/- parcel of land into three (3) lots plus residual lands off of a proposed 50-ft wide ingress/egress access easement. Proposed Lot #1 consists of 1.12 acres +/-, proposed Lot #2 consists of 1.16 acres +/-, and proposed Lot #3 consists of 1.43 acres +/- with the proposed residual lands containing 1.30 acres +/- . The property is located on the south and southeast sides of Doddtown Road (S.C.R. 293). The property is not located within any established Transportation Improvement District (TID). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 135-17.00-17.06. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals.

Lands of Wyatt F. Hammond

KH

Minor Subdivision off a 50-ft Easement

This is Minor Subdivision for the subdivision of a 2.41 acre +/- parcel into one (1) lot and residual lands with Parcel A off of a proposed 50-ft ingress/egress access easement. Parcel A consists of 1.17 acres +/- while the residual lands contain 1.24 acres +/- . The property is located on the west side of S. Old State Road (S.C.R. 213). The property is not located within any established Transportation Improvement District (TID). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 230-31.00-37.00. Zoning: GR (General Residential District). Staff are awaiting agency approvals.

(2005-16) Cypress Creek Estates

KH

Determination as to Substantially Underway Status

Cypress Creek Estates was originally approved as a 175 lot subdivision. It was later, converted into two (2) separate subdivisions: Cypress Creek Estates containing 78 lots and Cabbage Pond Estates containing 97 lots. Please note that although they were approved as two (2) subdivisions as revisions to the original subdivision, County records still consider them as part of the original subdivision application (2005-16).

The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, March 1, 2006. Following this, the Planning & Zoning Commission approved



four separate time extension requests for the Subdivision (on March 15, 2007, October 1, 2015, January 1, 2016 and January 12, 2016.) The Final Subdivision Plan was approved by the Planning and Zoning Commission at its meeting of Thursday, October 17, 2007. The Final Subdivision Plan was recorded on November 2, 2007.

The Subdivision Code states that, *“any major subdivision approval granted by the Commission shall be rendered null and void if substantial construction is not actively and continuously maintained on the use within five (5) years of the date of recordation of the final plat” (§99-40(A)).* Therefore, the plans were valid until November 2, 2012.

During this time, the owner of the property initiated the process of splitting the subdivisions into two separate subdivisions (Cypress Creek Estates and Cabbage Pond Estates.)

In 2013, the Sussex County Council adopted Ordinance 2288 which extended approvals related to Subdivisions, Conditional Uses and RPC District approvals and which stated, “any recorded subdivision plat valid as of January 1, 2013 shall remain valid until January 1, 2016 or the expiration of the current approval, whichever is later.” This extended the approval time frame for the subdivision until January 1, 2016.

On January 12, 2016, the Planning and Zoning Commission approved a six-month time extension which was valid until July 1, 2016.

The subdivision was deemed to be substantially underway on July 6, 2016 by the Director of Planning and Zoning.

In order to confirm whether the subdivision may have lapsed, an aerial drone inspection of the subject site was undertaken, photos of which have been included in the Commission’s packet.

Staff have also received an explanatory letter from the legal representative of the current Administrator of the Estate for the property, which details that the former property owner, due to incapacity, was unable to seek any further extensions to the subdivision.

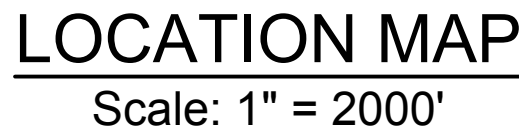
Staff are requesting that the Commission make a determination as to whether the project is still deemed to be substantially underway.

| | | |
|-----|--|--|
| 2. | TAX MAP NUMBERS : | 135-17.00-17.06 |
| 2. | OWNER INFO: | BRIAN VANDRUNEN 20339 DODDTOWN ROAD HARBESON, DE 19951 302-684-3636 DEED: BK.: 6573, PG.: 238 |
| 3. | SITE ADDRESS : | 20339 DODDTOWN ROAD HARBESON, DE 19951 GEORGETOWN HUNDRED |
| 4. | EXISTING TOTAL ACREAGE: | 5.00 ACRES± |
| 5. | PROPOSED ACREAGE: | |
| | LOT 1: | 48,653± SF 1.11± ACRES |
| | LOT 2: | 50,337± SF 1.16± ACRES |
| | LOT 3: | 62,115± SF 1.43± ACRES |
| | RESIDUAL LANDS: | 56,695± SF 1.30± ACRES |
| | TOTAL | 217,800± SF 5.00± ACRES |
| 6. | TOTAL NUMBER OF LOTS: | 1 EXISTING 4 PROPOSED |
| 7. | MONUMENTS FOUND: | 2 |
| 8. | MONUMENTS TO BE SET: | 7 |
| 9. | FUTURE LAND USE AREA: | RESIDENTIAL / COMMERCIAL |
| 10. | EXISTING ZONING: | AR-1, AGRICULTURAL / RESIDENTIAL |
| 11. | PROPOSED ZONING: | AR-1, AGRICULTURAL / RESIDENTIAL |
| 12. | PRESENT USE: | RESIDENTIAL |
| 13. | PROPOSED USE: | RESIDENTIAL |
| 14. | SEWER PROVIDER: | ON-SITE PRIVATE SEPTIC |
| 15. | WATER PROVIDER: | ON-SITE PRIVATE WELL |
| 16. | DISTANCE TO NEAREST INTERSECTION: | 3000 FEET S-E (HARBESON ROAD) |
| 17. | PROXIMITY TO (TID): | N/A |
| 18. | POSTED SPEED LIMIT: | 30 MPH (DODDTOWN ROAD) |
| 16. | BUILDING RESTRICTION LINES: | AR-1 (115-25 C) |
| | FRONT - 30 FEET | |
| | SIDE - 15 FEET | |
| | REAR - 20 FEET | |
| | CORNER - 15 FEET | |
| 19. | MAXIMUM BUILDING HEIGHT: (115-25D) | 42 FEET MAX. |
| 20. | STATE INVESTMENT AREA: | LEVEL 4 |
| 21. | COMPREHENSIVE PLAN: | LOW DENSITY |
| 22. | SCHOOL DISTRICT: | INDIAN RIVER |
| 23. | FIRE DISTRICT: | 85 (MILTON) |
| 24. | LONGITUDE AND LATITUDE: | BENCHMARK: #1103 MONUMENT FOUND |
| | STATE PLANE COORDINATE: | LONGITUDE: W075° 17' 18.29" LATITUDE: N038° 42' 34.30" |
| 25. | TOTAL LOTS | |
| | EXISTING | 1 (AGRICULTURAL / RESIDENTIAL) |
| | PROPOSED | 2 (AGRICULTURAL / RESIDENTIAL) |
| 26. | FLOOD ZONE: | THIS PROPERTY IS LOCATED ON THE FEMA INSURANCE RATE MAP NUMBER 10005C0310L. MAP REVISED JUNE 20,2018. PROPERTY LIES WITH IN ZONE X WHICH IS AN AREA LOCATED OUTSIDE THE 500 YEAR FLOOD PLAN. |
| 27. | WATERSHED | BEAVER DAM CREEK / BROADKILL RIVER. |
| 28. | DATUM: | HORIZONTAL = NAD83, VERTICAL = NAVD88 |
| 29. | LOCAL GOVERNMENT RESPONSIBLE: FOR LAND USE APPROVAL | SUSSEX COUNTY |

1. THE BACKGROUND INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD. PLAT REFERENCE: 24. PG. 88.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED. OTHER THAN THOSE SHOWN.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP AS 135-17.00-17.06
4. CLASS OF SURVEY: SUBURBAN
5. THERE ARE NO WETLAND AREAS ON THE PROPERTY, PER THE DNREC ENVIRONMENTAL NAVIGATOR WEBSITE.
6. THE PROPERTY IS LOCATED IN ZONE "X". ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 1000503010L MAP REVISED JUNE 20, 2018. ZONE "X" IS AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN.
7. THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES UPON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE DUST, NOISE, MANURE AND OTHER ODORS. THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARMING OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE ON ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM ANY SUCH AGRICULTURAL USES AND ACTIVITIES

1. ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
2. 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 PRODUCTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
3. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
4. THE RESIDUAL LANDS WILL MAINTAIN THERE EXISTING ACCESS FROM SCR 29A AS SHOWN ON THIS PLAN.

| | |
|--|--------------------------|
| | EXISTING PROPERTY LINE |
| | PROPOSED PROPERTY LINE |
| | ADJACENT PROPERTY LINE |
| | RIGHT-OF-WAY LINE |
| | CENTERLINE OF ROAD |
| | EXISTING TREE LINE |
| | EXISTING FENCE LINE |
| | OVERHEAD POWER LINES |
| | TIE LINE |
| | EASEMENT LINE |
| | PROPOSED PROPERTY CORNER |
| | CAPPED IRON PIPE FOUND |
| | UTILITY POLE |
| | CONCRETE MONUMENT FOUND |



| | |
|----------------------------|------|
| BRIAN VANDRUNEN | DATE |
| 20339 DODDTOWN ROAD | |
| HARBESON, DELAWARE 19951 | |
| DUTCHBROTHERS.DE@GMAIL.COM | |
| (302)684-3636 | |

| SIGNATURE | DATE |
|---|----------------|
| ALAN M. DECKTOR, PE (DE PE#17771) PENNONI ASSOCIATES, INC 18072 DAVIDSON DRIVE MILTON, DE 19968 ADECKTOR@PENNONI.COM 302-683-8030 | (302) 684-8030 |

MINOR SUBDIVISION PLAN

V-0001

SHEET 1 OF 1



18072 Davidson Drive
Milton, DE 19968
T: 302-684-8030
F: 302-684-8054

www.pennoni.com

November 19, 2021
DUTCH21001

Mr. Elliot Young
Sussex County Planning and Zoning
2 The Circle
Georgetown, DE 19947

**RE: Minor Subdivision Plan
Dutch Brothers, LLC
Tax Map # 135-17.00-17.03
Georgetown Hundred
Harbeson, DE 19951**

Dear Mr. Young,

On behalf of Dutch Brothers, LLC., Pennoni Associates Inc. (Pennoni) is pleased to submit the revised Minor Subdivision Plan for your consideration of review and approval. We have addressed the following comments per your letter received on November 19, 2021.

We have enclosed one (1) copy of the following documents for review and approval of the project.

| <u>Item</u> | <u>Description</u> | <u>Last Revised</u> |
|---|--------------------------------|---------------------|
| Drawings Prepared by Pennoni Associates Inc. | | |
| V-0001 | Revised minor Subdivision Plan | 11/19/2021 |

Preliminary Site Plan Comments:

1. *Staff note that the front setback off the access easement should be 30'.*
Pennoni Response (November 19, 2021): This has been revised accordingly.
2. *Staff note that Lot 1 will have a corner setback off Doddtown Road of 15' while the front setback will come off the easement at 30'.*
Pennoni Response (November 19, 2021): This has been revised accordingly.
3. While approval is not needed, a DNREC soil feasibility study is recommended.
Pennoni Response (November 19, 2021): We have performed a soils analysis and determined the entire property is feasible for LPP style septic systems. A formal individual site evaluation for each lot will be done as required per DNREC.
4. *Prior to approval of any Final Site Plan, approval letter or letters of no objection from the following agencies shall be submitted to the Sussex County Planning and Zoning Department*
 - a) *Delaware Department of Transportation (DelDOT)*
 - b) *State Fire Marshal***Pennoni Response (November 19, 2021): Understood.**

If you have any comments or need additional information, please call us at (302) 684-8030.

Sincerely,

PENNONI ASSOCIATES INC.



Alan Decktor, PE, ENV SP
Senior Engineer

CC.

U:\Accounts\DUTCH\DUTCH21001 - Doddtown Road Subdivision\DELIVERABLES\PZ\2021-11-19 2nd Sub\2021-11-19 Prelim Response Letter.docx

GENERAL NOTES:

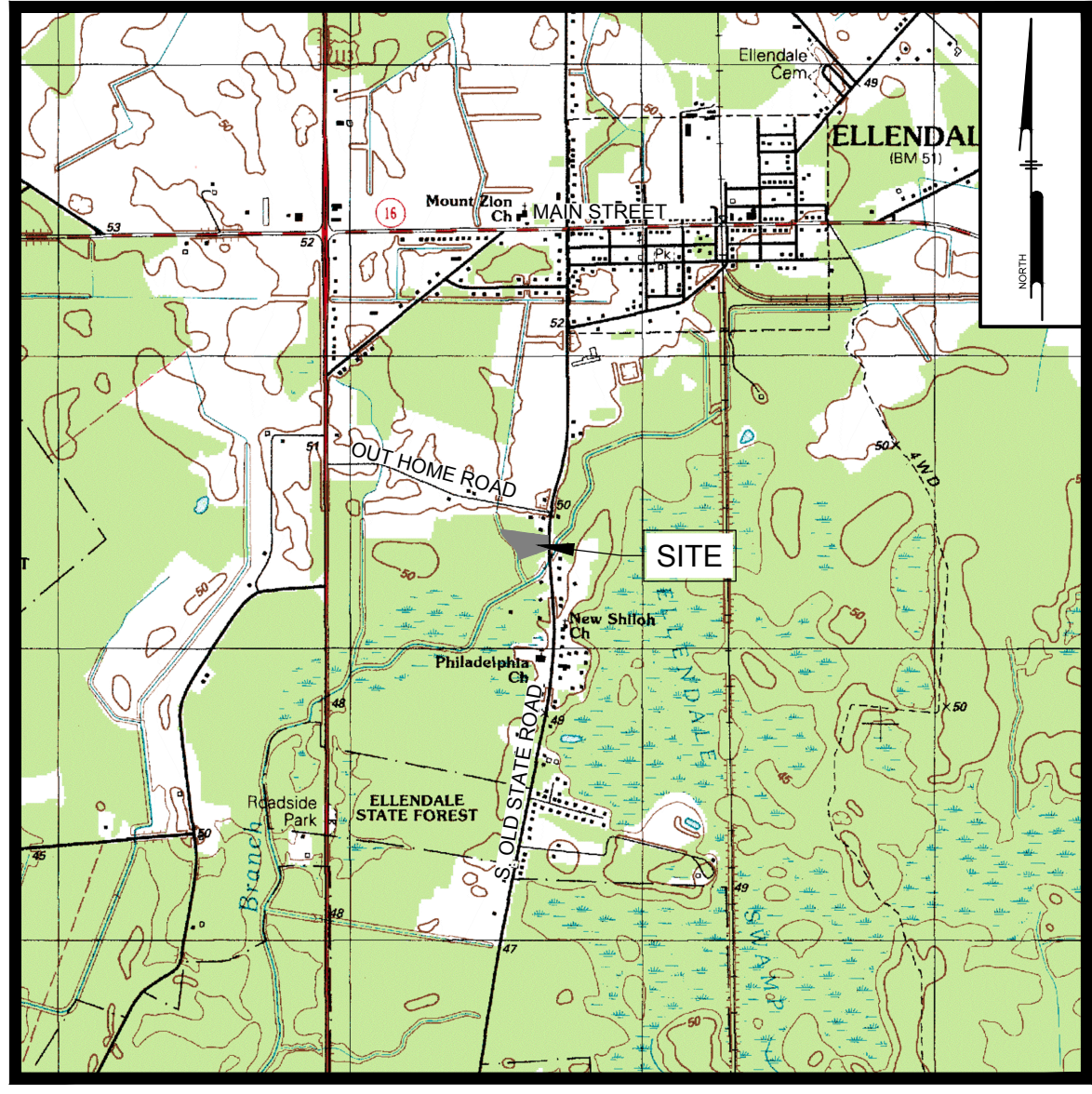
1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD. PLAT REFERENCE: 5495, PG. 219. BOUNDARY SURVEY FOR PARCEL 230-31.00-37.00 PERFORMED BY PENNONI IN SEPTEMBER 2021.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED, OTHER THAN THOSE SHOWN.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP AS 230-31.00-37.00.
4. CLASS OF SURVEY: SUBURBAN
5. THERE ARE NO WETLAND AREAS ON THE PROPERTY, PER THE DNREC ENVIRONMENTAL NAVIGATOR WEBSITE.
6. THE PROPERTY IS LOCATED IN SUSSEX COUNTY UNINCORPORATED AREA ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 10005C0141J, MAPS REVISED JANUARY 06, 2005

DELDOT NOTES:

1. ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
2. 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 OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
3. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
4. PARCEL A AND REMAINING LAND SHALL HAVE ACCESS TO SCR 213 VIA THE 50-FEET WIDE INGRESS/EGRESS EASMENT
5. THE RESIDUAL LANDS WILL RELOCATE THEIR EXISTING ACCESS FROM SCR213 AS SHOWN ON THIS PLAT.

LEGEND

- | | |
|--|--------------------------|
| | EXISTING PROPERTY LINE |
| | PROPOSED PROPERTY LINE |
| | ADJACENT PROPERTY LINE |
| | RIGHT-OF-WAY LINE |
| | CENTERLINE OF ROAD |
| | EXISTING TREE LINE |
| | EXISTING TREE LINE |
| | OVERHEAD POWER LINES |
| | TIE LINE |
| | PROPOSED PROPERTY CORNER |
| | CAPPED IRON PIPE FOUND |
| | UTILITY POLE |
| | CONCRETE MONUMENT FOUND |



LOCATION MAP

Scale: 1" = 2000'

SITE DATA:

- | | |
|--|---|
| TAX MAP NUMBERS : | 230-31.00-37.00 |
| OWNER INFO: | WYATT F. HAMMOND ELIZABETH A. HAMMOND 27239 18TH BLVD UNIT# 1104 MILLSBORO , DE 19966 |
| SITE ADDRESS: | 13590 S. OLD STATE ELLENDALE, DE 19966 |
| 1. EXISTING TOTAL ACREAGE: | 2.41 ACRES± |
| 2. PROPOSED ACREAGE: | |
| PARCEL A: REMAINING LANDS: | 1.17 ACRES± 1.24 ACRES± |
| 3. AREA OF EASEMENT (TOTAL) | 0.38 ACRES± |
| 4. TOTAL NUMBER OF LOTS: | 1 EXISTING 2 PROPOSED, INCLUDING RESIDUAL LANDS |
| 5. MONUMENTS FOUND: | 3 |
| 6. MONUMENTS TO BE SET: | 2 |
| 7. FUTURE LAND USE AREA: (SUSSEX COUNTY COMPREHENSIVE PLAN, 2019) | DEVELOPING AREA |
| 8. ZONING: | GR |
| 9. PRESENT USE: | RESIDENTIAL |
| 10. PROPOSED USE: | RESIDENTIAL |
| 11. SEWER PROVIDER: | PUBLIC |
| 12. WATER PROVIDER: | PUBLIC |
| 13. DISTANCE TO NEAREST INTERSECTION: | 335± (OUT HOME ROAD) |
| 14. PROXIMITY TO (TID): | N/A |
| 15. POSTED SPEED LIMIT: | 45 MPH |
| 16. BUILDING RESTRICTION LINES: FRONT - 40 FEET SIDE - 10 FEET REAR - 10 FEET | |
| 17. LOCAL GOVERNMENT RESPONSIBLE: FOR LAND USE APPROVAL | SUSSEX COUNTY |
| 18. STATE INVESTMENT AREA | LEVEL 4 |
| 19. COMPREHENSIVE PLAN | LOW DENSITY |
| 20. SCHOOL DISTRICT | MILFORD SCHOOL DISTRICT |
| 21. FIRE DISTRICT | STATION 75 (ELLENDALE) |
| 22. DATUM | HORIZONTAL = NAD83, VERTICAL = NAVD88 |
| 23. WATERSHED | GRAVELLY BRANCH |

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

WYATT F. HAMMOND, TRUSTEE _____ DATE _____
27239 18TH BLVD
UNIT# 1104
MILLSBORO, DELAWARE 19966
WYATT@TRANSERVICES.COM
(800) 367-9100

ENGINEER CERTIFICATION:
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED 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

SIGNATURE _____ DATE _____
ALAN M. DECKTOR, PE (DE PE#17771) (302) 684-8030
PENNONI ASSOCIATES, INC.
18072 DAVIDSON DRIVE MILTON, DE 19968

HAMMOND-ELLENDALE SUBDIVISION

TM: 230-31.00-37.00
13590 S. OLD STATE ROAD
ELLENDALE, DE 19941

MINOR SUBDIVISION PLAN

WYATT F. HAMMOND
27239 18TH BLVD, UNIT 1104
MILLSBORO, DE 19966

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK



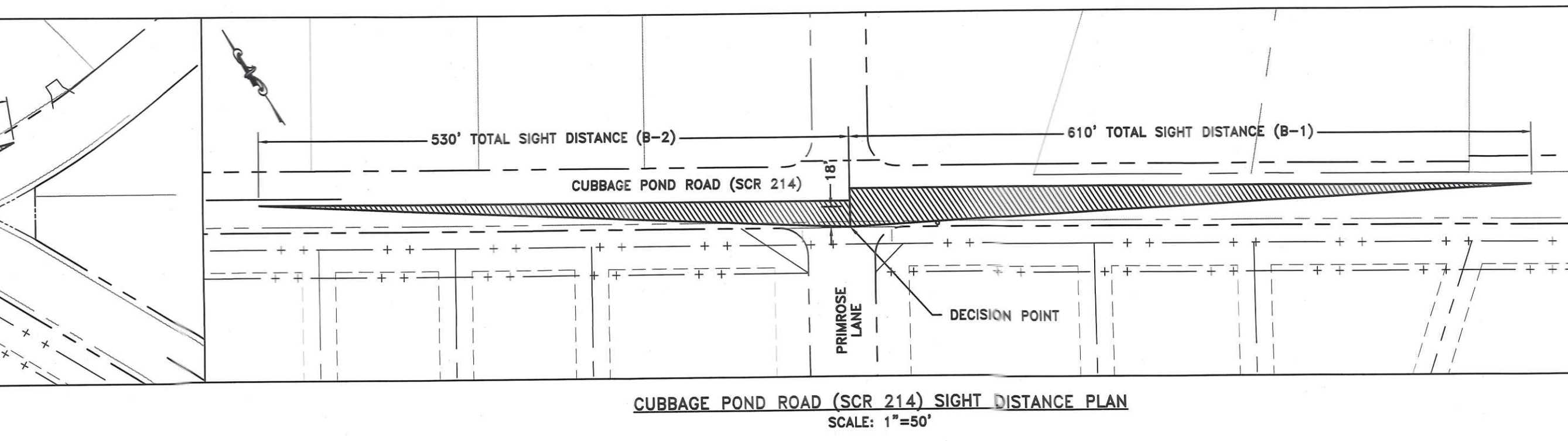
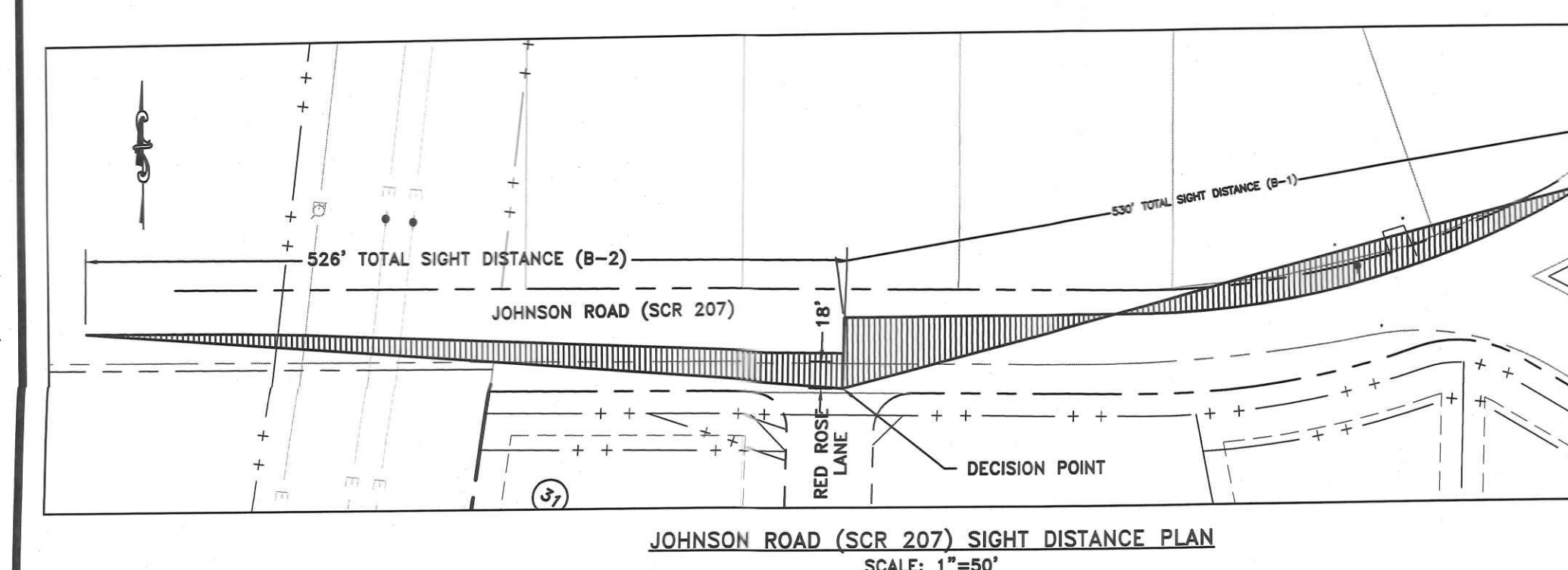
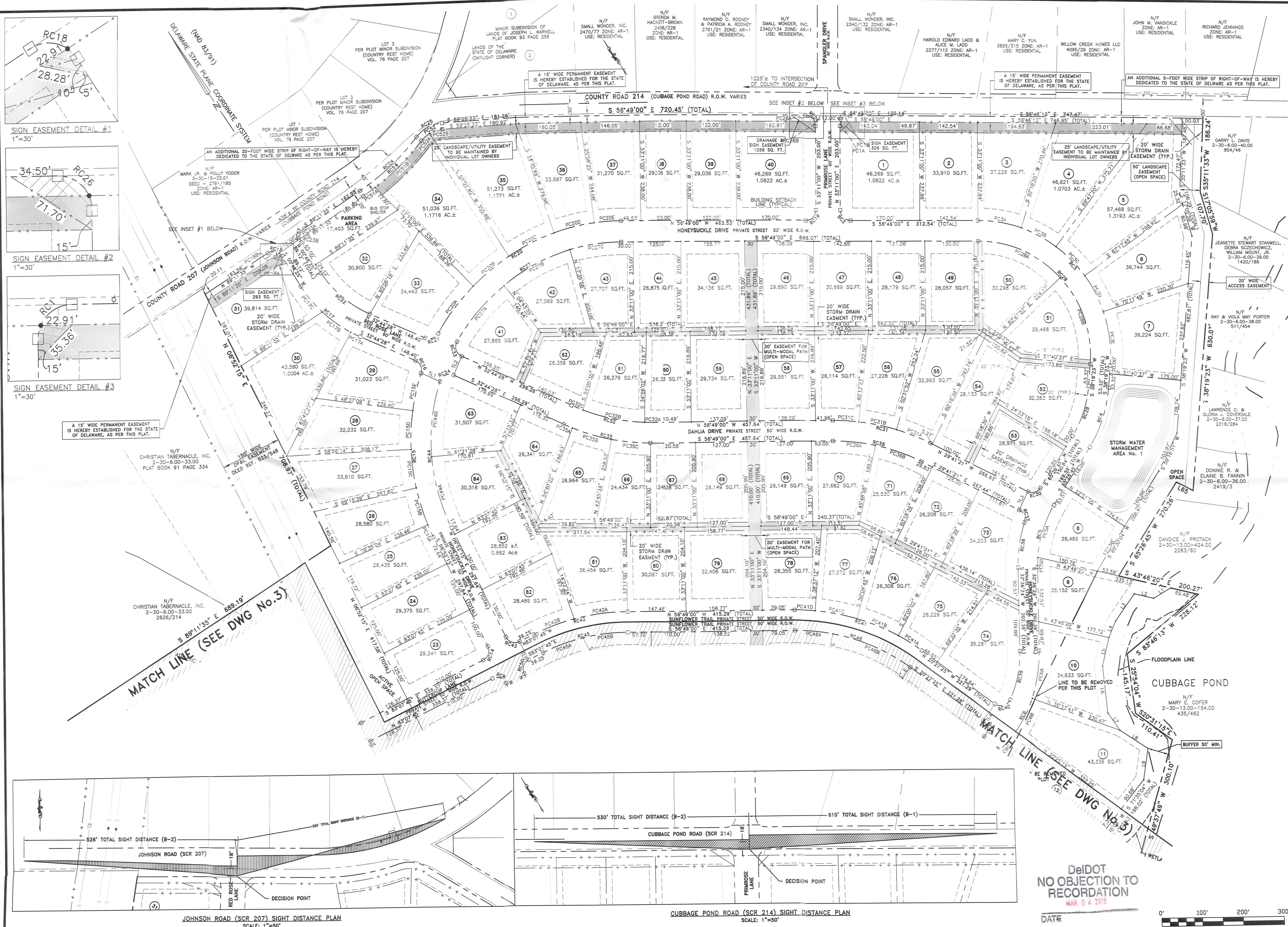
PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

| NO. | DATE | REVISIONS | BY |
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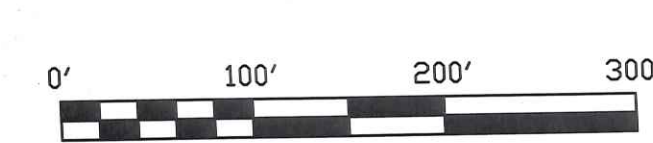
ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES
ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE
PROJECT. THEY ARE NOT INTENDED OR REPRESENTED
TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON
THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER
PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION
OR ADAPTATION BY PENNONI ASSOCIATES FOR THE
SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS
SOLE RISK AND WITHOUT LIABILITY OR LEGAL
EXPOSURE TO PENNONI ASSOCIATES, AND OWNER
SHALL INDEMNIFY AND HOLD HARMLESS PENNONI
ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND
EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT WHHMD21001
DATE 2021-10-01
DRAWING SCALE 1"=30'
DRAWN BY EOC
APPROVED BY AMD

V-0001
SHEET 1 OF 1



DeDOT
NO OBJECTION TO
RECORDATION
MAR 0 2 2016
DATE



REVISIONS

| | |
|-----|-----------------|
| 05 | TRAFFIC DIAGRAM |
| 12 | DEVELOPMENT |
| PER | COMMENTS |

Date: JA
Scale:
Dwn.By:
Proj.No.:
Dwg.No.:

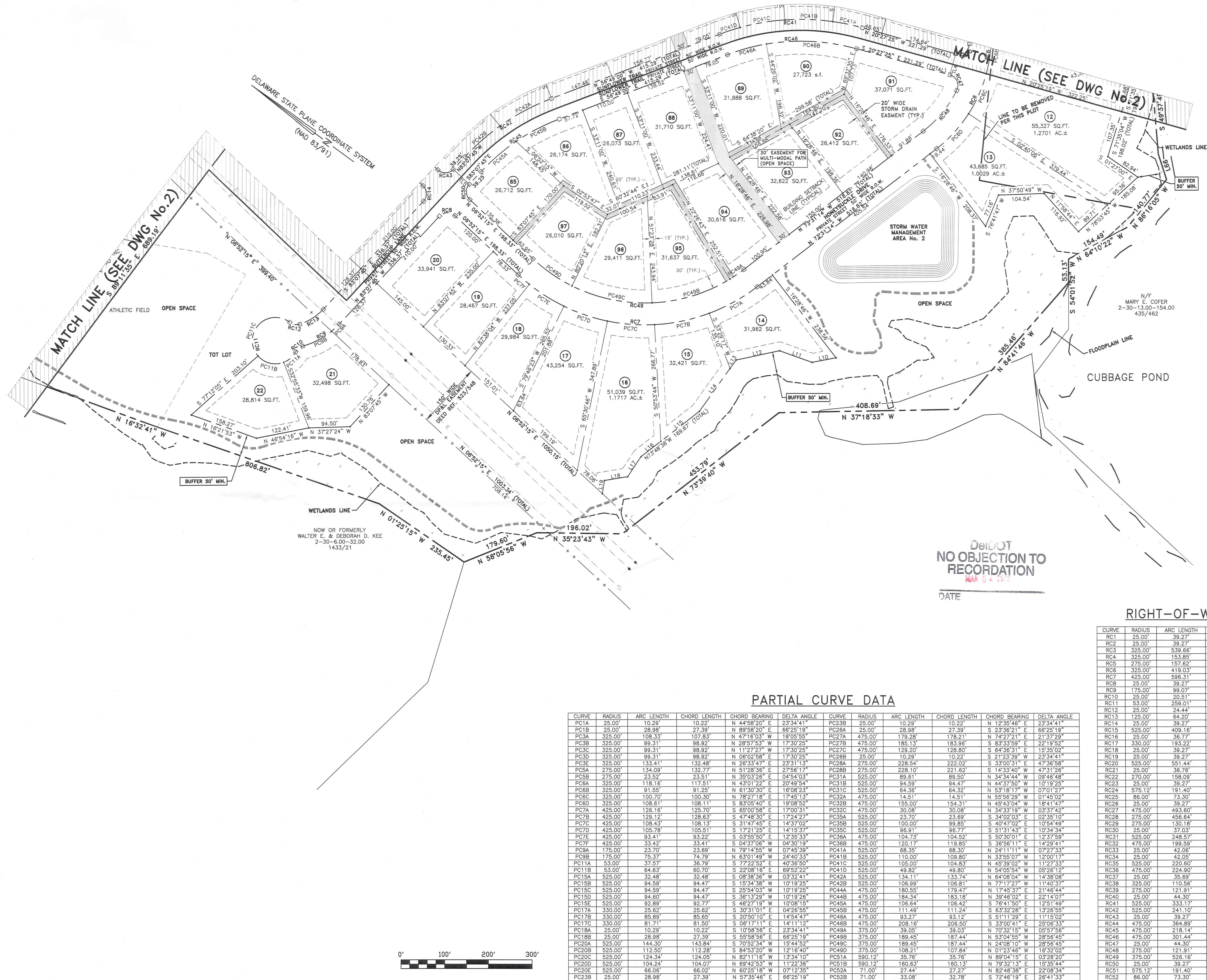
CUBBAGE POND ESTATES

THIS PLAN OF CUBBAGE POND ESTATES SUPERSEDES THE PREVIOUS PLAN OF CUBBAGE POND ESTATES IN RECORD BOOK 210/23 IN PREVIOUS EDITIONS OF THIS PLAN. THE PLAN IS THE PROPERTY OF DAVIS, BOWEN & FRIEDEL, INC. AND SHALL NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF DAVIS, BOWEN & FRIEDEL, INC.

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS

R

P:\Work\1350A001\Cubbage Pond Estates\DESIGN\1350A001 RECORD.dwg Feb 04, 2016 - 11:19am rscd



PARTIAL CURVE DATA

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE | CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|-------|---------|------------|--------------|---------------|-------------|
| PC1A | 25.00' | 10.29' | 10.22' | N 44°58'20" E | 23°34'41" | PC23B | 25.00' | 10.29' | 10.22' | N 12°35'46" E | 23°34'41" |
| PC1B | 25.00' | 28.98' | 27.39' | N 89°58'20" E | 66°25'19" | PC26A | 25.00' | 28.98' | 27.39' | N 23°36'21" E | 66°25'19" |
| PC3A | 325.00' | 108.33' | 107.83' | N 47°16'03" W | 19°05'55" | PC27A | 475.00' | 178.28' | 178.21' | N 74°27'21" E | 21°37'29" |
| PC3B | 325.00' | 99.31' | 98.92' | N 28°57'53" W | 17°30'25" | PC27B | 475.00' | 185.13' | 183.96' | N 83°33'59" E | 22°19'52" |
| PC3C | 325.00' | 99.31' | 98.92' | N 11°27'27" W | 17°30'25" | PC27C | 475.00' | 128.20' | 128.80' | S 64°36'31" E | 15°35'02" |
| PC3D | 325.00' | 99.31' | 98.92' | N 06°02'58" E | 17°30'25" | PC26B | 25.00' | 10.29' | 10.22' | S 21°23'39" W | 23°34'41" |
| PC3E | 325.00' | 133.41' | 132.48' | N 26°53'47" E | 23°31'13" | PC28A | 275.00' | 225.54' | 222.02' | S 33°00'31" E | 47°36'58" |
| PC5A | 275.00' | 134.09' | 132.77' | N 51°28'36" E | 27°56'17" | PC28B | 275.00' | 228.10' | 221.62' | S 14°33'40" W | 47°31'26" |
| PC5B | 275.00' | 23.52' | 23.51' | N 35°03'26" E | 04°54'03" | PC31A | 525.00' | 89.61' | 89.50' | N 34°34'44" W | 09°46'48" |
| PC6A | 325.00' | 118.16' | 117.51' | N 43°01'22" E | 20°49'54" | PC31B | 525.00' | 94.59' | 94.47' | N 43°37'50" W | 10°19'25" |
| PC6B | 325.00' | 91.55' | 91.25' | N 61°30'30" E | 16°08'23" | PC31C | 525.00' | 64.35' | 64.32' | N 53°18'17" W | 07°01'27" |
| PC6C | 325.00' | 100.70' | 100.30' | N 78°27'18" E | 17°45'13" | PC32A | 475.00' | 14.51' | 14.51' | N 55°56'02" W | 22°14'07" |
| PC6D | 325.00' | 108.61' | 108.11' | S 83°05'40" E | 19°08'52" | PC32B | 475.00' | 155.00' | 154.31' | N 45°43'04" W | 18°41'47" |
| PC7A | 425.00' | 126.16' | 125.70' | S 65°00'58" E | 17°00'31" | PC32C | 475.00' | 30.08' | 30.08' | N 34°33'19" W | 03°37'42" |
| PC7B | 425.00' | 129.12' | 128.63' | S 47°48'30" E | 17°24'27" | PC35A | 525.00' | 23.70' | 23.69' | S 34°02'03" E | 02°35'10" |
| PC7C | 425.00' | 108.43' | 108.13' | S 31°47'45" E | 14°37'02" | PC35B | 525.00' | 100.00' | 99.85' | S 40°47'02" E | 10°54'49" |
| PC7D | 425.00' | 105.78' | 105.51' | S 17°21'25" E | 14°15'37" | PC35C | 525.00' | 98.91' | 98.77' | S 61°31'43" E | 10°54'34" |
| PC7E | 425.00' | 93.41' | 93.22' | S 03°55'50" E | 12°35'33" | PC35A | 475.00' | 104.73' | 104.52' | S 50°30'01" E | 12°37'59" |
| PC7F | 425.00' | 33.42' | 33.41' | S 04°37'06" W | 04°30'19" | PC36B | 475.00' | 120.17' | 119.85' | S 36°56'11" E | 14°29'41" |
| PC8A | 175.00' | 23.70' | 23.69' | N 79°14'55" W | 07°45'39" | PC41A | 525.00' | 88.35' | 88.30' | N 24°11'11" W | 07°27'33" |
| PC8B | 175.00' | 75.37' | 74.79' | N 63°01'49" W | 24°40'33" | PC41B | 525.00' | 110.00' | 109.80' | N 33°55'07" W | 12°00'17" |
| PC11A | 53.00' | 37.57' | 36.79' | S 10°58'56" E | 23°34'41" | PC49A | 375.00' | 39.05' | 39.03' | N 70°32'15" W | 05°57'56" |
| PC11B | 53.00' | 64.63' | 60.70' | S 22°08'16" E | 69°52'22" | PC41C | 525.00' | 184.34' | 183.18' | N 39°46'02" E | 22°14'07" |
| PC15A | 525.00' | 32.48' | 32.48' | S 08°38'36" W | 03°32'41" | PC42A | 525.00' | 134.11' | 133.74' | N 64°08'04" W | 14°38'08" |
| PC15B | 525.00' | 94.59' | 94.47' | S 15°34'38" W | 11°40'37" | PC42B | 525.00' | 106.99' | 106.81' | N 77°12'27" W | 11°40'37" |
| PC15C | 525.00' | 94.59' | 94.47' | S 25°54'03" W | 10°19'25" | PC44A | 475.00' | 180.55' | 179.47' | N 17°45'37" E | 21°46'44" |
| PC15D | 525.00' | 94.59' | 94.47' | S 36°13'29" W | 10°19'25" | PC44B | 475.00' | 180.55' | 179.47' | N 39°46'02" E | 22°14'07" |
| PC15E | 525.00' | 92.89' | 92.77' | S 46°27'19" W | 10°08'15" | PC45A | 475.00' | 106.64' | 106.42' | S 76°41'50" E | 12°51'49" |
| PC17A | 330.00' | 25.62' | 25.62' | S 03°31'01" E | 04°26'55" | PC45B | 475.00' | 111.49' | 111.24' | S 63°32'28" E | 13°26'55" |
| PC17B | 330.00' | 85.89' | 85.65' | S 20°50'10" E | 14°54'47" | PC46A | 475.00' | 93.27' | 93.12' | S 51°11'29" E | 11°15'02" |
| PC17C | 330.00' | 81.71' | 81.50' | S 06°17'11" E | 14°11'12" | PC46B | 475.00' | 208.16' | 206.50' | S 33°04'11" E | 25°06'33" |
| PC18A | 25.00' | 10.29' | 10.22' | S 10°58'56" E | 23°34'41" | PC49A | 375.00' | 39.05' | 39.03' | N 70°32'15" W | 05°57'56" |
| PC18B | 25.00' | 28.98' | 27.39' | S 55°58'56" E | 66°25'19" | PC49B | 375.00' | 189.45' | 187.44' | N 53°04'55" W | 28°56'45" |
| PC20A | 525.00' | 144.30' | 143.84' | S 70°52'34" W | 15°44'52" | PC49C | 375.00' | 189.45' | 187.44' | N 24°08'10" W | 28°56'45" |
| PC20B | 525.00' | 112.50' | 112.28' | S 84°53'20" W | 12°16'40" | PC49D | 375.00' | 108.21' | 107.84' | N 01°23'46" W | 16°32'02" |
| PC20C | 525.00' | 124.34' | 124.05' | N 82°11'16" W | 13°34'10" | PC51A | 590.12' | 35.76' | 35.76' | N 89°04'15" E | 03°28'20" |
| PC20D | 525.00' | 104.24' | 104.07' | N 69°42'53" W | 11°22'36" | PC51B | 590.12' | 160.63' | 160.13' | N 79°32'13" E | 15°35'44" |
| PC21A | 525.00' | 66.06' | 66.02' | N 19°04'18" W | 07°12'35" | PC52A | 71.00' | 27.44' | 27.44' | N 82°48'38" E | 22°08'34" |
| PC23B | 25.00' | 28.98' | 27.39' | N 57°35'46" E | 66°25'19" | PC52B | 71.00' | 33.08' | 32.78' | S 72°46'19" E | 26°41'33" |

TIE-LINE DATA

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| TL1 | S 32°25'47" E | 50.31' |
| TL2 | N 57°18'01" E | 50.00' |
| TL3 | S 59°43'48" W | 50.00' |
| TL4 | S 69°32'35" W | 50.00' |
| TL5 | N 05°52'15" E | 50.00' |

LINE DATA

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 87°43'31" W | 48.72' |
| L2 | N 44°08'30" W | 48.72' |
| L3 | S 68°34'29" W | 80.15' |
| L4 | S 55°50'32" W | 44.22' |
| L5 | S 46°34'39" W | 71.57' |
| L6 | S 27°23'11" W | 113.84' |
| L7 | S 00°57'34" E | 51.30' |
| L8 | S 23°34'24" E | 81.26' |
| L9 | S 41°57'49" W | 77.03' |
| L10 | N 46°49'58" W | 55.96' |
| L11 | N 16°28'28" W | 78.79' |
| L12 | N 48°05'33" W | 101.61' |
| L13 | S 89°47'07" W | 24.06' |
| L14 | S 89°47'07" W | 120.14' |
| L15 | N 73°48'38" W | 112.08' |
| L16 | N 73°48'38" W | 57.59' |
| L17 | S 87°50'40" W | 54.92' |
| L18 | N 45°21'25" W | 53.76' |
| L19 | S 64°08'37" W | 30.53' |

RIGHT-OF-WAY CURVE DATA

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| RC1 | 25.00' | 39.27' | 35.36' | S 78°11'00" W | 90°00'00" |
| RC2 | 25.00' | 39.27' | 35.36' | S 11°49'00" E | 90°00'00" |
| RC3 | 325.00' | 538.66' | 479.77' | S 09°14'48" E | 95°08'24" |
| RC4 | 325.00' | 153.85' | 152.42' | S 51°53'04" W | 27°07'31" |
| RC5 | 275.00' | 155.62' | 155.47' | S 49°01'35" W | 32°50'20" |
| RC6 | 325.00' | 419.03' | 390.60' | S 69°32'35" W | 73°52'22" |
| RC7 | 425.00' | 596.31' | 548.59' | N 33°19'29" W | 80°23'29" |
| RC8 | 25.00' | 39.27' | 35.36' | N 38°07'45" W | 90°00'00" |
| RC9 | 175.00' | 97.76' | 97.76' | N 66°54'39" W | 32°26'13" |
| RC10 | 25.00' | 20.51' | 19.94' | N 74°12'25" W | 46°50'45" |
| RC11 | 53.00' | 259.01' | 68.14' | N 42°18'41" E | 279°59'56" |
| RC12 | 25.00' | 24.44' | 23.48' | S 25°41'48" E | 56°00'54" |
| RC13 | 125.00' | 64.20' | 63.49' | S 88°25'00" E | 29°25'30" |
| RC14 | 25.00' | 39.27' | 35.36' | N 51°52'15" E | 90°00'00" |
| RC15 | 525.00' | 408.16' | 398.88' | N 29°11'51" E | 44°39'11" |
| RC16 | 25.00' | 36.77' | 33.54' | N 09°23'29" E | 84°15'55" |
| RC17 | 330.00' | 193.22' | 190.47' | N 15°58'02" W | 33°32'53" |
| RC18 | 25.00' | 39.27' | 35.36' | N 44°11'35" W | 90°00'00" |
| RC19 | 25.00' | 39.27' | 35.36' | S 78°11'00" W | 90°00'00" |
| RC20 | 525.00' | 551.44' | 526.44' | N 86°54'26" W | 60°10'51" |
| RC21 | 25.00' | 36.76' | 33.54' | N 74°52'10" W | 84°15'23" |
| RC22 | 270.00' | 158.09' | 155.84' | N 15°58'02" W | 33°32'53" |
| RC23 | 25.00' | 39.27' | 35.36' | N 45°48'25" E | 90°00'00" |
| RC24 | 575.12' | 191.40' | 190.52' | N 81°16'23" E | 19°04'04" |
| RC25 | 85.00' | 73.30' | 71.10' | S 83°50'36" E | 48°50'51" |
| RC26 | 25.00' | 39.27' | 35.36' | S 11°49'00" E | 90°00'00" |
| RC27 | 475.00' | 493.60' | 461.67' | S 86°35'12" E | 59°32'23" |
| RC28 | 275.00' | 456.64' | 405.96' | S 09°14'48" E | 95°08'24" |
| RC29 | 275.00' | 130.18' | 128.97' | S 51°53'04" W | 27°07'31" |
| RC30 | 25.00' | 37.03' | 33.74' | N 72°07'18" W | 84°15'55" |
| RC31 | 525.00' | 248.57' | 248.26' | N 43°15'10" W | 27°07'40" |
| RC32 | 475.00' | 199.59' | 199.13' | N 44°46'44" W | 24°04'32" |
| RC33 | 25.00' | 42.06' | 37.27' | N 15°27'04" E | 96°23'05" |
| RC34 | 25.00' | 42.05' | 37.27' | S 80°55'42" E | 96°22'27" |
| RC35 | 525.00' | 220.60' | 218.98' | N 44°46'44" W | 24°04'32" |
| RC36 | 475.00' | 224.90' | 222.80' | S 43°15'10" E | 27°07'40" |
| RC37 | 25.00' | 35.69' | 32.73' | S 11°12'16" W | 81°47'12" |
| RC38 | 325.00' | 110.56' | 110.03' | S 42°21'08" W | 19°29'27" |
| RC39 | 275.00' | 121.91' | 120.91' | S 45°18'23" W | 25°23'58" |
| RC40 | 25.00' | 44.30' | 38.73' | N 11°33'11" W | 101°32'13" |
| RC41 | 525.00' | 333.17' | 327.60' | N 38°38'12" W | 36°21'36" |
| RC42 | 525.00' | 241.10' | 238.99' | N 69°58'23" W | 26°18'45" |
| RC43 | 25.00' | 39.27' | 35.36' | N 38°07'45" W | 90°00'00" |
| RC44 | 475.00' | 364.89' | 355.98' | N 28°52'40" E | 44°40'50" |
| RC45 | 475.00' | 218.14' | 218.23' | S 69°58'23" W | 26°18'45" |
| RC46 | 475.00' | 301.44' | 296.40' | S 38°38'12" E | 36°21'36" |
| RC47 | 25.00' | 44.30' | 38.73' | S 01°18'42" W | 101°32'13" |
| RC48 | 275.00' | 121.91' | 120.91' | N 86°13'13" W | 25°23'58" |
| RC49 | 375.00' | 526.16' | 484.05' | N 33°19'29" W | 80°23'29" |
| RC50 | 25.00' | 39.27' | 35.36' | N 51°52'15" E | 90°00'00" |
| RC51 | 575.12' | 191.40' | 190.52' | N 81°16'23" E | 19°04'04" |
| RC52 | 86.00' | 73.30' | 71.10' | S 83°50'36" E | 48°50'51" |

DAVIS, BOWEN & FRIEDEL, INC.

ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

RECORD PLAN

THIS PLOT OF CUBBAGE POND ESTATES SUPERSEDES THE PREVIOUS PLOT OF CUBBAGE POND ESTATES RECORDED IN THE OFFICE OF RECORDS OF DEEDS FOR SUSSEX COUNTY AND THE STATE OF DELAWARE.

THE PURPOSE OF PLAN: REVERSE EASEMENTS ALONG JOHNSON ROAD & CUBBAGE POND ROAD AND REVISED DELDOT NOTES.

CUBBAGE POND ESTATES

CEDAR CREEK HUNDRED

SUSSEX COUNTY, DELAWARE

REVISED 05-02-2015
TRAFFIC DIAGRAM

REVISED 12-01-2015
DELDOT COMMENTS

REVISED 12-30-2015
DELDOT COMMENTS

Date: JANUARY, 2016

Scale: 1" = 100'

Dwn.By: PAB

Proj.No.: 1350A004

Dwg.No.:

R-3

A detailed map of the area around Johnson Road and U.S. Route 90 in Lincoln County, North Carolina. The map shows various roads including Johnson Road, U.S. Route 90, and several county roads. A black arrow points to a specific location on Johnson Road near its intersection with U.S. Route 90. Other labels include "TOWN OF LINCOLN", "THE WARDENS ON CUBBERLAND ROAD", and "CEPHEUS POINT". The map also indicates the locations of several schools and churches.

TYPICAL SECTIONS - RESIDENTIAL STREETS WITHOUT CURB
NOT TO SCALE





RECORD PI AN

R-2

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LINE DATA

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 58°34'54" E | 56.60' |
| L2 | S 86°52'51" E | 99.24' |
| L3 | N 63°35'09" E | 55.23' |
| L4 | N 76°15'47" E | 72.48' |
| L5 | N 45°59'45" E | 35.63' |
| L6 | N 82°17'20" E | 38.35' |
| L7 | N 82°17'20" E | 38.35' |
| L8 | S 51°05'56" E | 104.99' |
| L9 | S 86°56'13" E | 79.09' |
| L10 | S 86°56'13" E | 69.36' |
| L11 | N 86°33'18" E | 98.95' |
| L12 | N 52°01'03" E | 123.69' |
| L13 | N 52°01'03" E | 67.27' |
| L14 | S 76°15'08" E | 87.85' |
| L15 | S 76°15'08" E | 8.05' |
| L16 | S 33°04'06" E | 85.17' |
| L17 | S 43°29'43" E | 64.63' |
| L18 | S 45°10'43" E | 69.94' |
| L19 | S 49°08'29" E | 13.44' |
| L20 | S 43°45'56" E | 51.09' |
| L21 | S 22°10'46" E | 48.12' |
| L22 | S 22°10'46" E | 11.88' |
| L23 | S 66°01'21" W | 49.27' |
| L24 | S 40°33'45" W | 71.69' |
| L25 | N 58°27'24" W | 38.36' |
| L26 | N 73°32'40" W | 44.14' |
| L27 | N 73°32'40" W | 39.71' |
| L28 | N 78°55'44" W | 49.21' |
| L29 | S 65°30'43" W | 55.53' |
| L30 | S 54°48'22" W | 4.23' |
| L31 | S 54°48'22" W | 72.96' |
| L32 | S 31°21'33" W | 49.84' |
| L33 | N 35°55'50" W | 10.95' |
| L34 | N 35°55'50" W | 10.95' |
| L35 | N 40°48'17" W | 20.84' |
| L36 | N 40°48'17" W | 17.58' |
| L37 | N 45°50'56" E | 11.06' |
| L38 | S 67°06'48" W | 30.00' |
| L39 | S 30°55'50" W | 30.00' |
| L40 | N 09°19'25" W | 30.00' |
| L41 | S 54°04'10" W | 13.84' |
| L42 | S 54°04'10" W | 9.52' |
| L43 | N 83°07'45" W | 8.09' |
| L44 | N 06°52'15" E | 19.09' |

| | | |
|-----|---------------|--------|
| L50 | N 40°22'57" W | 13.40' |
| L51 | N 35°52'08" W | 62.85' |
| L52 | S 43°59'55" W | 22.52' |
| L53 | S 46°00'05" E | 20.11' |
| L54 | S 22°53'20" E | 19.48' |
| L55 | S 25°37'10" E | 38.66' |
| L56 | S 27°35'10" E | 41.59' |
| L57 | S 23°49'43" E | 22.88' |
| L58 | S 35°48'57" E | 46.89' |
| L59 | S 63°01'29" E | 24.61' |
| L60 | S 44°51'51" E | 59.25' |
| L61 | S 47°06'51" E | 35.78' |
| L62 | S 28°04'29" E | 16.76' |
| L63 | S 84°30'02" E | 11.50' |
| L64 | N 12°37'07" E | 21.33' |
| L65 | N 73°14'03" E | 26.24' |
| L66 | S 71°39'26" E | 47.76' |
| L67 | S 89°20'40" E | 50.01' |
| L68 | N 28°46'32" W | 30.00' |

TIE-LINE DATA

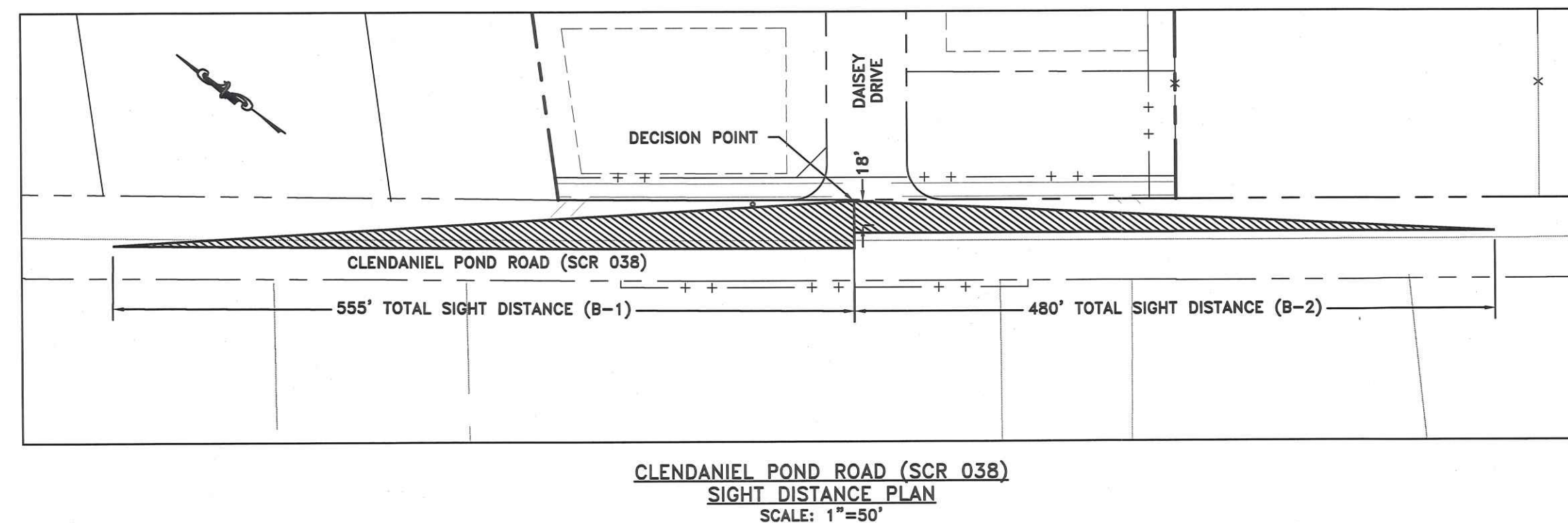
| | | |
|-----|---------------|---------|
| TL1 | N 54°04'10" E | 100.00' |
| TL2 | S 83°07'45" E | 50.00' |
| TL3 | N 45°43'30" E | 50.00' |

RIGHT-OF-WAY CURVE DATA

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|----------|------------|--------------|---------------|-------------|
| RC1 | 26.00' | 40.79' | 36.74' | S 80°58'56" E | 89°53'48" |
| RC2 | 25.00' | 39.27' | 35.36' | N 09°04'10" E | 90°00'00" |
| RC3 | 776.00' | 65.33' | 65.91' | N 38°22'03" W | 43°52'27" |
| RC4 | 325.00' | 180.66' | 178.35' | N 24°52'47" W | 31°51'01" |
| RC5 | 25.00' | 45.54' | 39.50' | N 61°08'11" W | 104°21'49" |
| RC6 | 53.00' | 214.47' | 95.33' | N 02°36'27" E | 231°51'06" |
| RC7 | 25.00' | 45.54' | 39.50' | N 66°21'05" E | 104°21'49" |
| RC8 | 325.00' | 180.66' | 178.35' | N 30°08'41" E | 31°51'01" |
| RC9 | 475.00' | 407.57' | 407.87' | N 71°28'43" E | 50°51'04" |
| RC10 | 625.00' | 466.30' | 455.56' | S 61°45'21" E | 42°44'49" |
| RC11 | 325.00' | 310.53' | 298.85' | S 13°00'36" E | 54°44'41" |
| RC12 | 625.00' | 342.11' | 337.86' | S 30°02'37" W | 31°21'46" |
| RC13 | 625.00' | 149.24' | 149.24' | S 52°34'56" W | 13°40'51" |
| RC14 | 1175.00' | 264.20' | 263.64' | S 52°59'59" W | 12°52'59" |
| RC15 | 25.00' | 22.52' | 21.76' | S 20°45'09" W | 51°36'26" |
| RC16 | 53.00' | 259.22' | 67.97' | N 44°56'04" W | 280°14'01" |
| RC17 | 25.00' | 21.27' | 20.63' | N 70°48'35" E | 48°44'44" |
| RC18 | 1225.00' | 277.99' | 277.40' | N 52°56'17" E | 13°00'08" |
| RC19 | 575.00' | 85.28' | 85.21' | N 55°11'24" E | 8°29'53" |
| RC20 | 25.00' | 41.55' | 36.83' | N 03°19'59" E | 95°12'57" |
| RC21 | 2025.00' | 137.57' | 137.55' | N 42°19'43" W | 3°53'33" |
| RC22 | 25.00' | 39.27' | 35.36' | N 85°22'57" W | 90°00'00" |
| RC23 | 25.00' | 21.87' | 21.18' | S 24°33'06" W | 50°07'54" |
| RC24 | 53.00' | 259.22' | 67.95' | N 40°22'57" W | 280°15'48" |
| RC25 | 25.00' | 21.87' | 21.18' | N 74°41'00" E | 50°07'54" |
| RC26 | 25.00' | 39.27' | 35.36' | N 04°37'03" E | 90°00'00" |
| RC27 | 325.00' | 82.73' | 82.51' | N 33°05'23" W | 14°35'08" |
| RC28 | 25.00' | 35.32' | 32.46' | N 66°16'35" W | 80°57'32" |
| RC29 | 470.00' | 157.29' | 156.56' | S 63°39'25" W | 19°10'29" |
| RC30 | 26.00' | 40.89' | 36.80' | S 09°01'04" W | 90°06'12" |
| RC31 | 825.00' | 70.18' | 70.16' | N 38°22'03" W | 4°52'27" |
| RC32 | 25.00' | 41.40' | 36.83' | N 06°37'57" E | 94°52'27" |
| RC33 | 25.00' | 21.87' | 21.18' | N 79°08'07" E | 50°07'54" |
| RC34 | 53.00' | 259.22' | 67.95' | N 35°59'50" W | 280°15'48" |
| RC35 | 25.00' | 21.87' | 21.18' | S 29°00'13" W | 50°07'54" |
| RC36 | 25.00' | 37.14' | 33.82' | N 83°22'03" W | 85°07'33" |
| RC37 | 275.00' | 416.73' | 377.98' | N 02°36'27" E | 86°49'29" |
| RC38 | 425.00' | 377.19' | 364.94' | N 71°26'43" E | 50°51'04" |
| RC39 | 25.00' | 39.27' | 35.36' | S 38°07'45" E | 90°00'00" |
| RC40 | 325.00' | 82.73' | 82.51' | S 00°25'19" E | 14°35'08" |
| RC41 | 25.00' | 35.32' | 32.46' | S 32°45'53" W | 80°57'32" |
| RC42 | 530.00' | 177.37' | 176.54' | S 63°39'25" W | 19°10'29" |
| RC43 | 25.00' | 39.27' | 35.36' | N 80°55'50" W | 90°00'00" |
| RC44 | 575.00' | 428.99' | 419.11' | S 61°45'21" E | 42°44'49" |
| RC45 | 275.00' | 282.76' | 252.87' | S 13°00'36" E | 54°44'41" |
| RC46 | 575.00' | 282.40' | 260.13' | S 27°26'09" W | 26°08'49" |
| RC47 | 25.00' | 41.55' | 36.93' | S 88°07'02" W | 95°12'57" |
| RC48 | 1975.00' | 134.18' | 134.15' | N 42°19'43" W | 3°53'33" |
| RC49 | 275.00' | 226.80' | 220.43' | N 16°45'21" W | 47°15'11" |
| RC50 | 25.00' | 39.27' | 35.36' | N 51°52'15" E | 90°00'00" |

PARTIAL CURVE DATA

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|----------|------------|--------------|---------------|-------------|
| PC4A | 325.00' | 101.64' | 101.22' | S 31°50'45" E | 17°55'05" |
| PC4B | 325.00' | 79.03' | 78.83' | S 15°55'14" E | 13°55'56" |
| PC6A | 53.00' | 50.18' | 48.33' | S 86°11'38" E | 54°14'56" |
| PC6B | 53.00' | 64.63' | 60.70' | S 24°07'59" E | 69°52'22" |
| PC6C | 53.00' | 64.63' | 60.70' | S 45°44'24" W | 69°52'22" |
| PC6D | 53.00' | 35.02' | 34.39' | N 80°23'42" W | 37°51'25" |
| PC8A | 325.00' | 111.44' | 110.90' | S 23°59'35" W | 19°38'48" |
| PC8B | 325.00' | 69.22' | 69.09' | S 39°55'05" W | 12°12'13" |
| PC9A | 475.00' | 63.52' | 63.48' | S 49°51'04" W | 07°39'44" |
| PC9B | 475.00' | 116.25' | 115.96' | S 60°41'36" W | 14°01'20" |
| PC9C | 475.00' | 20.01' | 20.00' | N 68°54'40" E | 02°24'47" |
| PC9D | 475.00' | 154.53' | 153.85' | S 79°26'16" W | 18°38'25" |
| PC9E | 475.00' | 67.26' | 67.20' | N 87°11'08" W | 08°06'46" |
| PC10A | 625.00' | 116.10' | 115.93' | N 77°48'27" W | 10°38'36" |
| PC10B | 625.00' | 158.04' | 157.62' | S 65°14'31" E | 14°29'17" |
| PC10C | 625.00' | 148.29' | 147.94' | N 51°12'03" W | 13°35'39" |
| PC10D | 625.00' | 43.87' | 43.86' | N 42°23'35" W | 04°01'17" |
| PC11A | 325.00' | 6.69' | 6.69' | S 39°47'34" E | 01°10'45" |
| PC11B | 325.00' | 91.55' | 91.25' | N 31°08'00" W | 16°08'23" |
| PC11C | 325.00' | 91.55' | 91.25' | N 14°59'37" W | 16°08'23" |
| PC11D | 325.00' | 100.16' | 100.16' | N 01°54'16" E | 17°39'25" |
| PC11E | 325.00' | 20.59' | 20.58' | N 12°32'52" E | 03°37'46" |
| PC12A | 625.00' | 102.99' | 102.87' | S 19°04'59" W | 09°26'30" |
| PC12B | 625.00' | 132.51' | 132.27' | N 29°52'40" E | 12°08'53" |
| PC12C | 625.00' | 101.36' | 101.25' | N 40°35'53" E | 08°17'32" |
| PC13A | 625.00' | 110.15' | 110.01' | N 50°17'39" E | 10°05'59" |
| PC13B | 625.00' | 44.69' | 44.68' | S 57°23'26" W | 04°05'50" |
| PC14A | 1175.00' | 76.48' | 76.46' | N 57°34'28" E | 03°43'45" |
| PC14B | 1175.00' | 187.72' | 187.52' | N 51°07'59" E | 09°09'13" |
| PC16A | 53.00' | 170.79' | 105.91' | S 87°15'51" W | 184°37'50" |
| PC16B | 53.00' | 88.44' | 78.53' | S 47°22'51" W | 95°36'10" |
| PC18A | 1225.00' | 35.31' | 35.31' | S 47°16'46" W | 01°38'06" |
| PC18B | 1225.00' | 158.40' | 158.29' | S 51°47'35" W | 07°24'31" |
| PC18C | 1225.00' | 84.28' | 84.26' | N 57°28'06" E | 03°56'30" |
| PC21A | 2025.00' | 70.40' | 70.40' | S 43°16'44" E | 01°59'31" |
| PC21B | 2025.00' | 67.18' | 67.17' | S 41°19'58" E | 01°54'09" |
| PC24A | 53.00' | 31.88' | 31.86' | N 16°42'16" E | 34°26'13" |
| PC24B | 53.00' | 64.05' | 60.22' | N 68°32'33" E | 69°14'21" |
| PC24C | 53.00' | 63.86' | 60.06' | S 42°19'20" E | 69°01'52" |
| PC24D | 53.00' | 63.86' | 60.06' | S 26°42'32" W | 69°01'52" |
| PC24E | 53.00' | 35.64' | 34.97' | S 60°28'12" W | 38°51'30" |
| PC42A | 530.00' | 81.72' | 81.64' | S 58°29'12" W | 10°20'25" |
| PC42B | 530.00' | 81.72' | 81.64' | S 58°29'12" W | 08°50'04" |
| PC34A | 53.00' | 64.01' | 60.19' | N 69°36'10" E | 69°11'49" |
| PC34B | 53.00' | 65.20' | 61.17' | N 00°14'26" W | 70°29'23" |
| PC34C | 53.00' | 64.63' | 60.70' | N 70°25'19" W | 69°52'22" |
| PC34D | 53.00' | 61.33' | 61.33' | S 39°17'23" W | 70°42'14" |
| PC37A | 275.00' | 238.47' | 231.07' | N 15°57'45" W | 49°41'04" |
| PC37B | 275.00' | 178.26' | 175.16' | N 27°26'59" E | 37°08'24" |
| PC38A | 425.00' | 142.24' | 141.57' | N 55°36'27" E | 19°10'31" |
| PC38B | 425.00' | 234.96' | 231.98' | N 81°01'59" E | 31°40'32" |
| PC42A | 530.00' | 81.72' | 81.64' | S 58°29'12" W | 10°20'25" |
| PC42B | 530.00' | 81.72' | 81.64' | S 58°29'12" W | 08°50'04" |
| PC44A | 575.00' | 116.22' | 116.03' | S 77°20'19" E | 11°34'52" |
| PC44B | 575.00' | 159.68' | 159.16' | S 63°35'33" E | 15°54'39" |
| PC44C | 575.00' | 153.09' | 152.64' | S 48°00'35" E | 15°15'17" |
| PC46A | 575.00' | 70.31' | 70.26' | S 17°51'55" W | 07°00'21" |
| PC46B | 575.00' | 192.09' | 191.20' | S 30°56'19" W | 19°08'28" |
| PC48A | 1975.00' | 64.16' | 64.16' | N 43°20'39" W | 01°51'41" |
| PC48B | 1975.00' | 70.01' | 70.01' | N 41°23'53" W | 02°01'52" |
| PC49A | 275.00' | 24.08' | 24.08' | N 37°52'22" W | 05°01'09" |
| PC49B | 275.00' | 202.71' | 198.15' | N 14°14'46" W | 42°14'03" |



CLENDANIEL POND ROAD (SCR 038)
SIGHT DISTANCE PLAN
SCALE: 1"=50'



THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION.

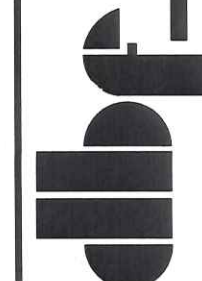
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DAVIS, BOWEN & FRIEDEL, INC.

ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441



RECORD PLAN

THIS PLOT OF CYPRESS CREEK ESTATES SUPERCEDES THE PREVIOUS PLOT OF CYPRESS CREEK ESTATES PREVIOUSLY RECORDED IN PLOT BOOK 210/20 IN MARCH OF 2015 IN THE OFFICE OF RECORDER OF DEEDS FOR SUSSEX COUNTY AND THE STATE OF DELAWARE. THE PURPOSE OF PLAN, REUSE EASEMENTS ALONG CLENDANIEL POND ROAD AND REVISED DELDOT NOTES.

CYPRESS CREEK ESTATES
CEDAR CREEK HUNDRED
SUSSEX COUNTY, DELAWARE

REVISED 06-02-2015
TRAFFIC DIAGRAM
REVISED PER DELDOT
COMMENTS 12-30-2015

Date: JANUARY, 2016
Scale: 1" = 100'
Dwn.By: PAB
Proj.No.: 1350A004
Dwg.No.:

2005-16

Morris James Wilson Halbrook & Bayard LLP

Robert G. Gibbs
302.856.0016
rgibbs@morrisjames.com

August 14, 2015

RECEIVED

Lawrence B. Lank, Director
Sussex County Planning & Zoning Commission
2 The Circle
Georgetown, DE 19947

AUG 17 2015

**PLANNING & ZONING
COMM. OF SUSSEX COUNTY**

RE: Owner: Ruthann W. Kerr & Linda T. Fleming, Co-Successor Trustees URTA
Joseph L. Warnell, dated 8/14/2013
Cypress Creek Estates
(SCTM: 2-30-13.00, Parcels 151.00 & 153.01)¹
Cabbage Pond Estates
(SCTM: 2-30-6.00-34.00; 2-30-13.00-282.00)²

Dear Mr. Lank:

This letter is written on behalf of the Successor Co-Trustees under the Revocable Trust Agreement of Joseph L. Warnell dated August 14, 2013, owner of the two (2) subdivisions referenced above.

On October 24, 2007, the Sussex County Planning & Zoning Commission ("Commission") approved Cypress Creek Estates, a 175-lot residential subdivision situate on both sides of Clendaniel Pond Road (County Road 38), south of Johnson Road (County Road 207) and southwest of Cabbage Pond Road (County Road 214). The subdivision was then owned by Joseph Warnell, individually. The approved, final subdivision plot was recorded November 2, 2007 (PB 116, PG 318; "Original Subdivision").

As you are aware, Sussex County Council ("Council") has adopted several ordinances which operated to extend approvals related to Subdivisions, Conditional Uses and RPC District approvals, the most recent of which (pertaining to this subdivision) was Ordinance No. 2288, adopted January 15, 2013, extending "any recorded subdivision plat valid under Section 99-11 and Section 99-40, valid as of January 1, 2013" and confirming that such "shall remain valid until January 1, 2016 or the expiration of the current approval, whichever is later". Ordinance No. 2288 applied to this Subdivision, since the Council's prior adoption of Ordinance No. 2208, which extended the validity

¹ Cypress Creek Estates: The Sussex County Tax Map and Parcel numbers for all of the lots, streets and common areas, as now separately assessed, are listed in Exhibit "A" to this letter.

² Cabbage Pond Estates: The Sussex County Tax Map and Parcel numbers for all of the lots, streets and common areas, as now separately assessed, are listed in Exhibit "B" to this letter.

7991320/

2005-16

of this Subdivision (approval of which originally expired November 2, 2012) to January 1, 2013.

In 2013, as part of his estate planning, Joseph Warnell transferred title of the Cypress Creek Estates subdivision properties to "Joseph L. Warnell, Trustee Under Revocable Trust Agreement of Joseph L. Warnell dated 8/14/13". As noted above, Ruthann W. Kerr & Linda T. Fleming are named Co-Successor Trustees of the Trust.

In 2014, Joseph Warnell initiated the process of reworking Cypress Creek Estates, the 175-lot Subdivision, into two (2) separate, smaller subdivisions. His intention was to make development or sale of these subdivisions more economically feasible in the still depressed real estate market for unimproved lots in northern Sussex County, as the real estate market began to recover. Joseph Warnell worked with Davis, Bowen & Friedel ("DBF") to create the two (2) separate subdivisions referred to above (Cypress Creek Estates and Cabbage Pond Estates).

On November 18, 2014, Joseph Warnell suffered a severe stroke which rendered him disabled. After consulting with medical and legal professionals, the named Successor Co-Trustees of the Trust ("Trust") were appointed and began attending to Joseph Warnell's health, financial and business affairs. There was a delay of several months in any activity on the two (2) new subdivisions during this period. During that time period, the verbal, year-to-year farm lease on the property renewed automatically for 2015. Joseph Warnell's son, Paul Warnell, was ultimately retained by the Successor Co-Trustees to continue working on the two subdivisions. Final Subdivision plots of the two reconfigured subdivisions prepared by DBF were approved by SCP&Z Commission, and recorded on March 10, 2015. DBF has continued to work with Paul Warnell to have previously issued permits and approvals reissued for each of the two (2) Subdivisions (see attached chronological timeline, Exhibit "3" to this letter).

As you will see in reviewing the attached Exhibit "3", construction documents have been resubmitted to both DelDOT and to Sussex County Public Works for the two (2) separate Subdivisions, each based on new design standards. Comments were recently received by both agencies. On August 5, 2015, DBF forwarded responses to the agency comments and filed resubmitted documents, accordingly. Further response from these two (2) agencies is expected by the end of this month, hopefully with agency approvals.

Simultaneously with taking these steps for agency approvals, Paul Warnell has solicited and obtained contracts on each of the two (2) Subdivisions, on behalf of the Trust. Both contracts have due diligence provisions, which will require full access to the properties for soil testing, soil evaluations, etc. (both subdivisions will utilize individual wells and DNREC-approved septic systems). Because of the existing farm lease on both subdivisions (which will be terminated according to Delaware law on or before August 31, 2015), access for testing will be limited, at least until crops are harvested, likely allowing complete access not earlier than late October or early November. Although the farm lease will be terminated effective December 31, 2015, complete

possession of the properties will not be able to be delivered to the contract purchasers until January 1, 2016, the date final subdivision approval for both subdivisions will expire pursuant to Chapter 99, Section 99-40 and Ordinance No. 2288.

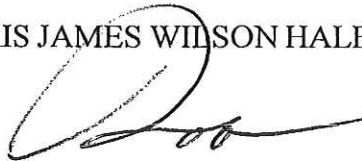
Joe Warnell was on track to obtain approvals for the two subdivisions to allow initiation of site-related improvements to meet the "substantial construction" requirement of Section 99-40, when he was disabled by the stroke. The Successor Co-Trustees have diligently continued the resubdivision process and sought to obtain/extend/renew permits and approvals, but under present circumstances, will need an extension of the SCP&Z approval, which will expire January 1, 2016 pursuant to Ordinance 2288, in order not to lose the substantial time, energy and resources expended to date.

The Successor Co-Trustees respectfully request a one year extension on the SCP&Z approval of the subdivisions, to allow substantial construction by January 1, 2017. Our clients understand that if this request is granted, and without further action by the County, that unless substantial construction is accomplished by the extension date, the current approvals of the subdivisions would lapse and become null and void.

It is my understanding you will need to have Sussex County Council review and consider this request. I appreciate your cooperation and consideration in this request.

Very truly yours,

MORRIS JAMES WILSON HALBROOK & BAYARD LLP



Robert G. Gibbs, Esq.

RGG/put

cc: Vince Robertson, Esq.
Everett Moore, Esq.
Ruthann Kerr, M.D.
Linda Fleming; c/o Leslie Case DiPietro, Esq.
Mr. Paul Warnell
Davis, Bowen & Friedel, Inc.; attn. Zach Crouch

Exhibit "A"

Cypress Creek Estates Parcels

2-30 13.00 539.00 (Lot 1);

2-30 13.00 538.00 (Lot 2);

2-30 13.00 540.00 through 2-30 13.00 615.00, inclusive (Lots 3-78, inclusive);

2-30 13.00 616.01 (Subdivision Streets);

2-30 13.00 617.01 (Parking Lot);

2-30 13.00 618.02 (Open Space).

Exhibit "B"

Cabbage Pond Estates Parcels

2-30 13.00 441.00 through 2-30 13.00 537.00, inclusive (Lots 1-97, inclusive);

2-30 13.00 616.00 (Subdivision Streets);

2-30 13.00 617.00 (Parking Lot Areas);

2-30 13.00 618.02 (Open Space Area, Shared use paths and Stormwater Management).

Exhibit "C"

Chronological Listing of Events

Cypress Creek Subdivision (Original Subdivision; 175 Lots; both sides of Clendaniel Road)

- 03/05/2005 - DNREC approval of soil feasibility study
- 05/05/2005 - 911 approval of street names
- 03/01/2006 – SCP&Z Commission preliminary subdivision approval
- 10/26/2006 - State Fire Marshal approval
- 01/29/2007 - DelDOT Letter of no objection
- 08/15/2007 - Sussex County Public Works approval of plans
- 08/16/2007 - Sussex Conservation District Approval
- 10/19/2007 – SCP&Z Commission final subdivision approval
- 07/25/2008 - DelDOT Approved Construction Plans for Entrance
- 06/02/2009 – Sussex County Council enacts Ordinance No. 2052 (amending Chapter 99, Section 99-9B relating to time period of validity of preliminary subdivision plat)
- 08/09/2011 – Sussex County Council adopts Ordinance No. 2208, providing for temporary extension of time for Subdivision Applications, Conditional Use Applications and Residential Planned Community Districts
- 06/19/2012 – Sussex County Council adopts Ordinance No. 2262, amending Chapter 115, Section 115-174 of Code of Sussex County to define when construction or use is substantially underway or abandoned for purposes of determining the period of validity for a Conditional Use
- January 15, 2013 – Sussex County Council adopts Ordinance No. 2288, providing for the additional temporary extension of time for Subdivision Applications, Conditional Use Applications and Residential Planned Community Districts (extending “any recorded subdivision plat valid under Section 99-11 and Section 99-40, valid as of January 1, 2013, shall remain valid until January 1, 2016 or the expiration of the current approval, whichever is later”)

Cypress Creek Estates (78 Lots) & Cubbage Pond Estates (97 Lots)

- 06/24/2014 - Sussex Conservation District Extension for an additional 3 years...expires June 24, 2017
- 10/29/2014 - 911-approved second (Cubbage Pond Estates) subdivision name
- 11/18/2014 – Joseph Warnell suffers stroke
- 11/24 or 25/2014 – Successor Co-Trustees of Joseph Warnell Trust “appointed”
- 03/10/2015 – SCP&Z final approval of Cypress Creek Estates (recorded 03/13/2015; Plot

Book 210, Page 30).

- 03/10/2015 – SCP&Z final approval of Cabbage Pond Estates (recorded 03/13/2015; Plot Book 210, Page 33).
- 05/14/2015 – Paul Warnell retained by Trust under Property Management & Consulting Agreement.
- 06/02/2015 - Construction documents resubmitted to DelDOT based on new design standards for both subdivisions.
- 06/12/2015 - Construction documents to Sussex County Public Works based on new design standards to separate subdivisions
- 07/15/2015 - Received comments from DelDOT
- 07/20/2015 - Received comments from Sussex County Public Works
- 08/05/2015 - Addressed comments and resubmitted to DelDOT
- 08/05/2015 - Addressed comments and resubmitted to Sussex County Public Works

MOORE & RUTT, P.A.

ATTORNEYS AT LAW

MILFORD OFFICE

P.O. BOX 612
830 S. DUPONT BLVD.
MILFORD, DE 19963
(302) 424-2240 FAX (302) 856-4518
(Wed. & Thurs. & By Appointment)

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GEORGETOWN, DE 19947
(302) 856-9568
FAX: (302) 856-4518

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SUITE 446
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FAX: (302) 856-4518

J. EVERETT MOORE JR*

DAVID N. RUTT**

SCOTT G. WILCOX

JAMES P. SHARP***

DORIAN ROWE KLEINSTUBER

RYAN T. ADAMS

ANNE L. BARNETT

* DE and DC

** DE and PA

*** DE and MD

Reply To ☒ Georgetown
☐ Milford
☐ Wilmington

December 13, 2021

Jamie Whitehead, Director
Sussex County Planning & Zoning Office
2 The Circle, P.O. Box 417
Georgetown, DE 19947

Re: Cypress Creek Estates
(SCTM: 2-30-13.00)

RECEIVED
DEC 14 2021
SUSSEX COUNTY
PLANNING & ZONING

Dear Mr. Whitehead;

I represent Paul Warnell, (hereafter "Paul"), Administrator of the Estate of Joseph L. Warnell who died on February 25, 2020. Paul was not named the personal representative of Joseph Warnell's Estate (the "Estate"). Rather, Paul filed a Petition for Authority to act as Personal Representative when it became apparent that the Estate's named personal representatives were not probating the Estate. The Petition was filed with the Sussex County Register of Wills. Paul was appointed the Personal Administrator on July 14, 2021.

Also on July 14, 2021, one of the co-trustees, Ruthann Kerr, jointly with Paul, filed a Petition in the Court of Chancery to have the other co-trustee, Linda Fleming, removed from all fiduciary duties of the Estate and Revocable Trust executed by Joseph Warnell concurrent with his Last Will and Testament. The essence of the allegations is that Mrs. Flemming failed to perform her duties as a co-trustee thus breaching her fiduciary duties to the Estate and Trust. Those allegations have been denied. The Court of Chancery Petition seeks to have Paul appointed the personal representative under the Will and Trust to complete all estate administrative duties.

One duty is to protect the assets of the Estate and by extension the Trust. In identifying the status of the assets, Paul determined to his dismay that the Sussex County approvals for Cypress Creek Estates had or were about to lapse. The purpose of this letter is to ask that the approvals be extended, or that due to the issues outlined above the approvals be held in abeyance while Paul administers Joseph Warnell's assets.

I understand that Christin Scott of your office has gathered information and outlined the history of the project. In particular I rely on a letter sent to your office by Robert G. Gibbs, Esquire, dated August 14, 2015, for the procedural history of the project. This letter makes clear the approvals for Cypress Creek Estates were valid during the final year of Joseph Warnell's life, but due to his incapacity he was unable to seek any further extensions or to begin any work on the subdivision. Due to the inability of the co-trustees to act jointly on Joseph Warnell's behalf to the point of virtual paralysis, unbeknownst to Paul, the approvals are now in jeopardy.

It is Paul's intent to sell the approved subdivision, or if the approvals are not extended, the then farmland. Under the terms of the Estate plan the named beneficiaries are to receive defined assets or a set amount of money. There will be a substantial remainder that is then bequeathed to a charitable trust to be established in Joseph Warnell's name to be used for charitable causes including addressing many needs in Sussex County. The diminution in value caused by the lapse of the subdivision approval will result in a significant loss to the corpus of the charitable trust.

Accordingly, I respectfully request the Planning & Zoning Commission grant an extension of the approvals for Cypress Creek Estates to permit Paul to properly administer the estate/trust assets. There are parties interested in purchasing the property who intend to immediately commence work on the site so this subdivision may be completed. Thank you for your consideration.

Very truly yours,

MOORE & RUTT, P.A.



David N. Rutt

DNR/lkdp

cc: Paul J. Warnell
Veronica Faust, Esquire
Stephen A. Spence, Esquire

Cypress Creek Estates (2005-16)

- Applied April 7, 2005
- Public hearing - February 9, 2006
- Preliminary Approval - March 1, 2006
- February 5, 2007 - applied for time extension
- March 15, 2007 - Time Ext. Approved for 1 yr. (valid until 3/1/08)
- 10/19/07 - Final Plan Approval
- Recorded 11/2/2007 - 5 years from then (2012)
- 2014 Mark Davidson Email mentions Ord. 2288
- 2014 Substantially underway Email Lawrence (1/1/16)
- 10/1/2015 - 1 yrs Time Ext. request to 1/1/2017
- 12/31/15 - additional letter for Time Ext. req. →
- Engineering exp → 1/14/19
- 1/12/16 → time ext. approved (valid until 7/1/16)
- Substantially underway June 30, 2016 (Cabbage Pond)
- Substantially Underway July 6, 2016 (Cypress Creek)

Recorded plans 3/13/15 & 4/14/16

2489 • Cypress not bonded
1133 • Cabbage bonded but no work
since 2016

Ord. 2428

JANELLE M. CORNWELL, AICP
PLANNING & ZONING MANAGER
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Lawrence Lank, Planning Director & Janelle Cornwell, AICP, Planning & Zoning Manager

CC: Todd Lawson, County Administrator, Everett Moore, County Attorney, Vince Robertson, Assistant County Attorney, Hans Medlarz, County Engineer, Assistant County Engineer & Mike Brady, Director Public Works

*12 month**

Date: January 8, 2016

RE: Request for Time Extension – Cypress Creek Estates/Cabbage Pond 2005-16

On August 17, 2015, the Planning and Zoning Department received a request for an extension for application 2005-16 (Cypress Creek Estates/Cabbage Pond). The application was granted final approval by the Planning and Zoning Commission on October 17, 2007 for the construction of 175 single family lots. The plan was recorded on November 2, 2007. The following is the status of agency approvals:

DelDOT – In plan review

Sussex Conservation District – Approval valid until June 24, 2017

Sussex County Engineering Department – Approved on October 13, 2015

Office of the State Fire Marshal – Approved on October 26, 2006

Division of Public Health – Office of Drinking Water – N/A

DNREC – Approved on March 5, 2015

Summary – Staff has been in communication with Cypress Creek Estates representatives and based on the status of the agency plan reviews, staff anticipates completion of the plans and substantial construction in a timely manner.

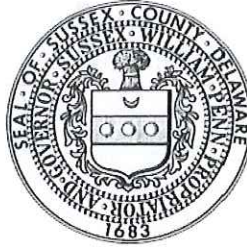
Requirements – If granted the time extension, the plan would need final agency approvals, possibly re-recorded and be under substantial construction on or before July 1, 2016, otherwise the plan shall expire.

Recommendation – Staff recommends that a time extension of six (6) months be **granted**.



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

JANELLE M. CORNWELL, AICP
PLANNING & ZONING MANAGER
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

January 26, 2016

Robert G. Gibbs, Esq.
Morris James Wilson Halbrook & Bayard
107 West Market St.
Georgetown, DE 19947

RE: Notice of Decision for Time Extension request for Cypress Creek Estates & Cabbage Pond 2005-16 to be located off of Johnson Rd. and Clendaniel Pond Rd.
Tax Parcels: 230-13.00-151.00 and 230-13.00-441.00 through 230-13.00-618.00 and 618.02

Dear Mr. Gibbs,

At their meeting of January 12, 2016 the Sussex County Council granted a six (6) month time extension for the Cypress Creek Estates & Cabbage Pond 2005-16 subdivision. **The Plan is valid until July 1, 2016.**

The plan shall obtain final agency approvals, possibly re-recorded and be under substantial construction on or before July 1, 2016, otherwise the plan shall expire.

Prior to starting construction, a notice to proceed shall be issued by the Sussex County Engineering Department.

The term "substantial construction" shall mean that the right-of-way has been cleared, the roadway has been rough-graded, the drainage system and/or stormwater management facilities have been rough-graded and erosion and sediment control measures are in place and being actively maintained.

Please feel free to contact me with any questions during business hours 8:30am – 4:30pm Monday through Friday at 302-855-7878.

Sincerely,

Janelle M. Cornwell, AICP
Planning & Zoning Manager

CC: Mike Brady, Sussex County Director of Public Works
Jessica Watson, Program Manager Sussex Conservation District
Steve Sisson, Sussex County Review Coordinator DelDOT

Valid until
July 1, 2016



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

LAWRENCE LANK
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
llank@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

July 6, 2016

Robert G. Gibbs, Esquire
Morris James Wilson Halbrook & Bayard, LLP
P.O. Box 690
Georgetown, DE 19947

RE: Cypress Creek Estates
Substantially Underway Status

Dear Mr. Gibbs:

Please accept this letter as an official notice informing you that the Cypress Creek Estates Subdivision is considered to be "Substantially Underway" as far as the Planning and Zoning Department is concerned since the Cubbage Pond Estates Subdivision is considered substantially underway.

The Cypress Creek Estates Subdivision was originally a 175 lot subdivision approved by the Planning and Zoning Commission in 2006. The subdivision was later converted into two (2) subdivisions: Cypress Creek Estates containing 78 lots; and Cubbage Pond Estates containing 97 lots. The two (2) subdivisions were approved by the Planning and Zoning Commission as revisions to the original subdivision. Even though they are now considered as two (2) subdivisions County records still consider them as part of the original subdivision application, therefore both subdivisions are considered to be substantially underway.

"Substantially Underway" for a subdivision shall mean that the right-of-way has been cleared, the roadway has been rough-graded, the drainage system and/or stormwater management facilities have been rough-graded and erosion and sediment control measures are in place and being actively maintained.

Since the first phase of Cubbage Pond Estates meets the "Substantially Underway" criteria, the Cypress Creek Estates also meets that criteria.

Work shall continue on the projects to maintain this status.

Should you have any questions, please do not hesitate to contact me at this Department.

Sincerely,

Lawrence B. Lank
Director of Planning and Zoning

Cc: Vincent Robertson, Esquire
Michael Brady
Gary Fleetwood
Jessica Watson



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











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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: December 16th, 2021

Application: 2021-05 Turnberry (F.K.A. Unity Branch)

Applicant: Schell Brothers, LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

Owner: Hollyville Buyer, LLC
Attention: Timothy Green
20184 Phillips Street
Rehoboth Beach, DE 19971

Site Location: The properties are lying on the southeast side of Hollyville Road (S.C.R. 48), approximately 0.63 mile south of Harbeson Road (Route 5).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: 195 Single-Family Lots as a Cluster Subdivision

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Millsboro Fire Company

Sewer: Artesian Water Company

Water: Artesian Wastewater Management, Inc.

Site Area: 145.424 +/- acres

Tax Map ID: 234-10.00-199.00



Layers

Addresses/Parcels

911 Addresses

Parcels

Subdivisions

Zoning

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Business Research - B-3

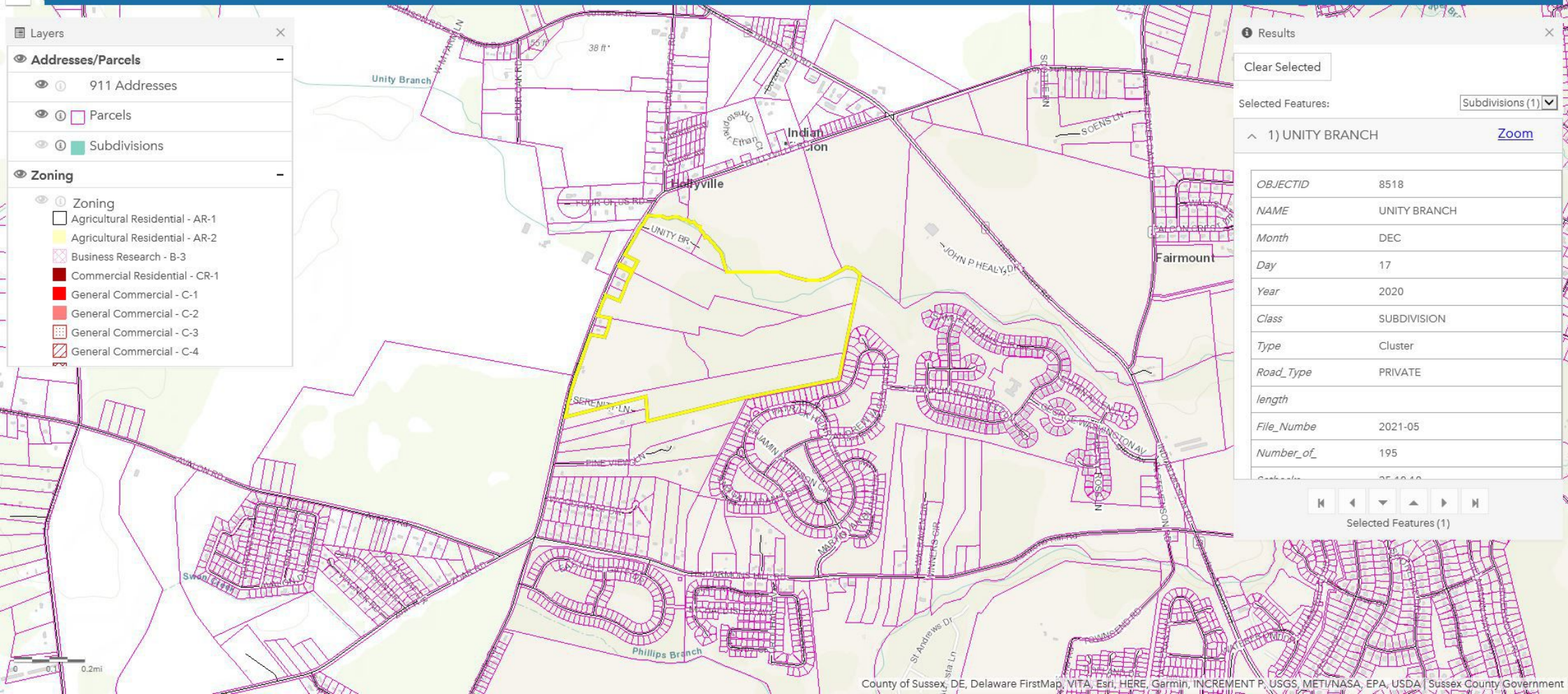
Commercial Residential - CR-1

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3

General Commercial - C-4



Results

Clear Selected

Selected Features: Subdivisions (1)

1) UNITY BRANCH

Zoom

| | |
|------------|--------------|
| OBJECTID | 8518 |
| NAME | UNITY BRANCH |
| Month | DEC |
| Day | 17 |
| Year | 2020 |
| Class | SUBDIVISION |
| Type | Cluster |
| Road_Type | PRIVATE |
| length | |
| File_Numbe | 2021-05 |
| Number_of | 195 |
| Created | 2021-05-10 |

Selected Features (1)

Layers

Addresses/Parcels

911 Addresses

Parcels

Subdivisions

Zoning

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Business Research - B-3

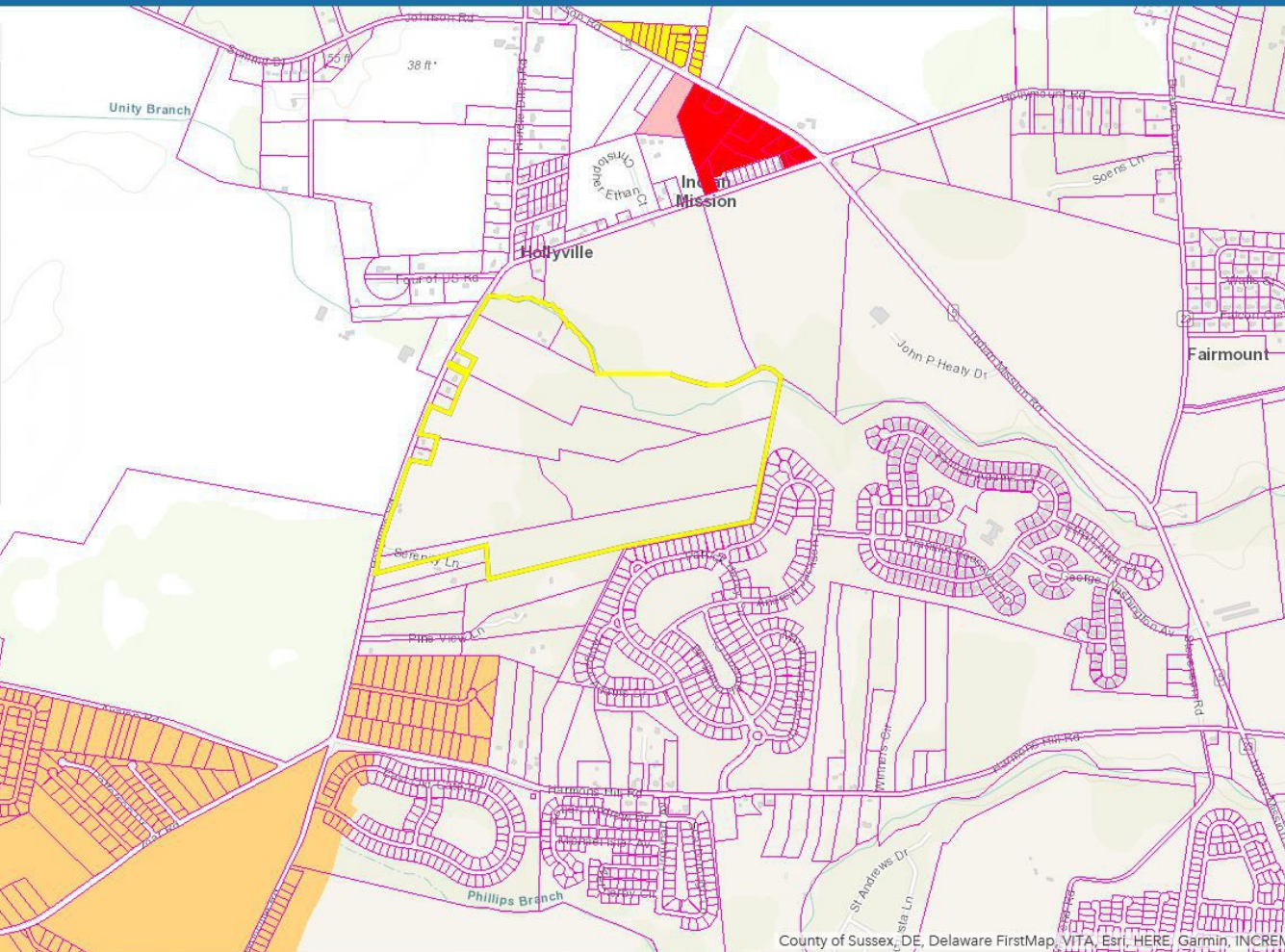
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Results

Clear Selected

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| length | |
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| Number_of_ | 195 |
| Subdivi | 25,400.0 |

Selected Features (1)

Layers

Addresses/Parcels

911 Addresses

Parcels

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Zoning

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Business Research - B-3

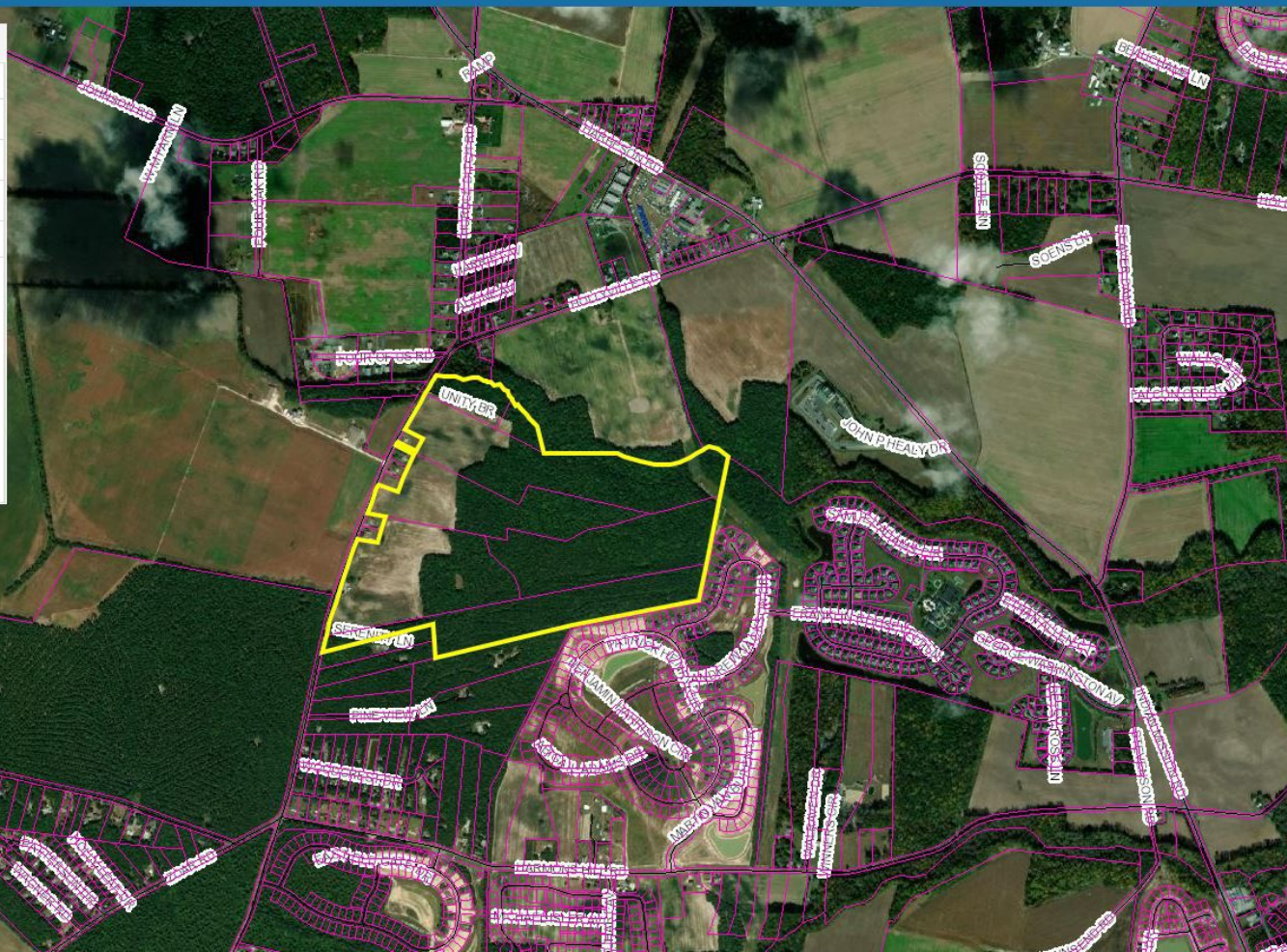
Commercial Residential - CR-1

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3

General Commercial - C-4



Clear Selected

Selected Features: Subdivisions (1)

1) UNITY BRANCH Zoom

| | |
|------------|--------------|
| OBJECTID | 8518 |
| NAME | UNITY BRANCH |
| Month | DEC |
| Day | 17 |
| Year | 2020 |
| Class | SUBDIVISION |
| Type | Cluster |
| Road_Type | PRIVATE |
| length | |
| File_Numbe | 2021-05 |
| Number_of_ | 195 |
| Subdivi | 25-10-10 |

Selected Features (1)

File #: _____
Pre-App Date: _____

Sussex County Major Subdivision 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)

Standard:

Cluster:

Coastal Area:

Location of Subdivision:

Proposed Name of Subdivision:

Tax Map #: **TM 234-16, P 1.01, 1.02, 3, 4, & 5**

Total Acreage:

Zoning:

Density:

Minimum Lot Size:

Number of Lots:

Open Space Acres:

Water Provider:

Sewer Provider:

Applicant Information

Applicant Name:

Applicant Address:

City:

State:

Zip Code:

Phone #:

E-mail:

Owner Information

Owner Name:

Owner Address:

City:

State:

Zip Code:

Phone #:

E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name:

Agent/Attorney/Engineer Address:

City:

State:

Zip Code:

Phone #:

E-mail:



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

Completed Application

Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

Provide Fee \$500.00

Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.) If provided submit seven (7) 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.

PLUS Response Letter (if required) **Environmental Assessment & Public Facility Evaluation Report** (if within Coastal Area)

51% of property owners consent if applicable

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 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:

Signature of Owner

Date:

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Lauren DeVore

From: Brockenbrough, Thomas (DeIDOT) <Thomas.Brockenbrough@delaware.gov>
Sent: Tuesday, August 31, 2021 11:03 AM
To: Lauren DeVore; McCabe, R. Stephen (DeIDOT)
Cc: Brestel, Troy (DeIDOT); Joinville, Claudy (DeIDOT); Furmato, Annamaria (DeIDOT)
Subject: RE: DeIDOT Review of 2021-04 Autumdale (F.K.A. Fairmont) & 2021-05 Turnberry (F.K.A. Unity Branch)

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good morning Lauren,

In the context of the MOU between DeIDOT and the County, both developments are Minor based on their trip generation.

Presently a Traffic Operational Analysis (TOA) for Turnberry (fka Unity Branch) is under review. The TOA includes Autumdale (fka Fairmont) as a committed development. While we have completed an initial review and are discussing our findings with the developer's engineer, I do not anticipate that we will complete that discussion and issue a review letter by September 9.

I've copied Troy, Claudy and Annamaria primarily to inform them of the name changes.

Bill

T. William Brockenbrough, Jr., P.E., AICP
County Coordinator
Division of Planning
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903
(302)760-2109
Thomas.Brockenbrough@delaware.gov



From: Lauren DeVore <lauren.devore@sussexcountyyde.gov>
Sent: Tuesday, August 31, 2021 9:44 AM
To: Brockenbrough, Thomas (DeIDOT) <Thomas.Brockenbrough@delaware.gov>; McCabe, R. Stephen (DeIDOT) <Richard.McCabe@delaware.gov>
Subject: DeIDOT Review of 2021-04 Autumdale (F.K.A. Fairmont) & 2021-05 Turnberry (F.K.A. Unity Branch)
Importance: High

Good Morning, Gentlemen,

I hope that you are both well and enjoyed your weekend.

If you could please kindly review the attached Preliminary Subdivision Plans for traffic impacts in accordance with the County's MOU with DelDOT to determine whether the traffic impacts of the below mentioned Subdivisions will be diminutive, negligible, minor or major, this would be appreciated.

Please note that I will need this information prior to the publishing of the Paperless Packet for the upcoming 9/9/21 Planning and Zoning Commission Meeting, so I will need a response **no later than this Thursday morning (9/2/21)**.

Please see the following details below for further information regarding both projects which was extracted from the Legal Ads for both submissions:

2021-04 Autumdale (Fairmont)

A cluster subdivision to divide 73.905 acres +/- into 104 single-family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The property is lying on the south side of Hollyville Road (S.C.R. 48), approximately 0.43 mile southwest of the intersection of Harbeson Road (Rt. 5) and Hollyville Road. Tax Parcel: 234-10.00-14.00. Zoning: AR-1 (Agricultural Residential District).

2021-05 Turnberry (Unity Branch)

A cluster subdivision to divide 145.424 acres +/- into 195 single-family lots to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County. The properties are lying on the southeast side of Hollyville Road (S.C.R. 48), approximately 0.63 mile south of Harbeson Road (Rt. 5). Tax Parcels: 234-10.00-199.00, 234-16.00-1.01, 1.02, 3.00, 4.00 & 5.00. Zoning: AR-1 (Agricultural Residential District).

As always, please let me know if you should have any further questions and it would be my pleasure to assist you.

Thank you in advance for your professional insight and assistance. You both are always a huge help in this process.

Best Regards,

-Lauren

Lauren DeVore

Planner III
Department of Planning and Zoning
P.O. Box 417
2 The Circle
Georgetown, DE 19947
(302)855-7878
8:30AM - 4:30PM



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

NICOLE MAJESKI
SECRETARY

November 23, 2021

Ms. Betty Tustin
The Traffic Group, Inc.
104 Kenwood Court
Berlin, Maryland 21811

Dear Ms. Tustin:

The enclosed Traffic Operational Analysis (TOA) review letter for the **Turnberry (f.k.a. Unity Branch)** (Tax Parcels: 234-10.00-199.00, and 234-16.00-1.01, 1.02, 3.00, 4.00 and 5.00) residential development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TOA to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2124.

Sincerely,

Claudy Joinville
Project Engineer

CJ:km

Enclosures

cc with enclosures: Mr. Jason Palkewicz, Solutions IPEM
Mr. David Edgell, Office of State Planning Coordination
Mr. Jamie Whitehouse, Sussex County Planning and Zoning
Ms. Joanne Arellano, Johnson, Mirmiran, & Thompson, Inc.
DelDOT Distribution

DelDOT Distribution

Brad Eaby, Deputy Attorney General
Shanté Hastings, Director, Transportation Solutions (DOTS)
Pamela Steinebach, Director, Planning
Mark Luszcz, Deputy Director, Traffic, DOTS
Peter Haag, Chief Traffic Engineer, Traffic, DOTS
Michael Simmons, Assistant Director, Project Development South, DOTS
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Chris Sylvester, Traffic Studies Manager, Traffic, DOTS
Alistair Probert, South District Engineer, South District
Matthew Schlitter, South District Public Works Engineer, South District
Jared Kauffman, Service Development Planner, Delaware Transit Corporation
Tremica Cherry, Service Development Planner, Delaware Transit Corporation
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning
Wendy Polasko, Subdivision Engineer, Development Coordination
Steve McCabe, Sussex Review Coordinator, Development Coordination
Mark Galipo, Traffic Engineer, Traffic, DOTS
Brian Yates, Subdivision Manager, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination



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

NICOLE MAJESKI
SECRETARY

November 23, 2021

Ms. Betty Tustin
The Traffic Group, Inc.
104 Kenwood Court
Berlin, Maryland 21811

Dear Ms. Tustin:

The enclosed Traffic Operational Analysis (TOA) review letter for the **Turnberry (f.k.a. Unity Branch)** (Tax Parcels: 234-10.00-199.00, and 234-16.00-1.01, 1.02, 3.00, 4.00 and 5.00) residential development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TOA to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2124.

Sincerely,

Claudy Joinville
Project Engineer

CJ:km

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Michael Simmons, Assistant Director, Project Development South, DOTS
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Steve McCabe, Sussex Review Coordinator, Development Coordination
Mark Galipo, Traffic Engineer, Traffic, DOTS
Brian Yates, Subdivision Manager, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination



November 19, 2021

Mr. Claudy Joinville
Project Engineer
Delaware Department of Transportation
Development Coordination, Division of Planning
800 Bay Road
Dover, DE 19901

RE: Agreement No. 1945F
Project Number T202069012
Traffic Impact Study Services
Task 3-7A – Turnberry (f.k.a. Unity Branch) TOA

Dear Mr. Joinville:

Johnson, Mirmiran, and Thompson (JMT) has completed a review of the Traffic Operational Analysis (TOA) for the Turnberry (f.k.a. Unity Branch) development, which was prepared by The Traffic Group, Inc., dated May 28, 2021. This review was assigned as Task Number 3-7A. The report is prepared in a manner generally consistent with DelDOT's *Development Coordination Manual*.

The TOA evaluates the impacts of a proposed residential development in Sussex County, Delaware. The development would be comprised of 195 single-family detached homes. The site is located on the southeast side of Hollyville Road (Sussex Road 48), southwest of Hurdle Ditch Road (Sussex Road 290). The subject property is on an approximately 145.4-acre assemblage of parcels. The land is currently zoned as AR-1 (Agricultural Residential) and the developer does not plan to rezone the land. One full access is proposed along Hollyville Road and construction is anticipated to be complete in 2027.

DelDOT currently does not have any active projects within the study area. However, the Hollyville Road and Zoar Road/Harmons Hill Road intersection was included in DelDOT's 2013 *Hazard Elimination Program* (HEP) as Site G. Site G is a 0.30-mile corridor along Zoar Road/Hollyville Road from 0.06 miles west of Avalon Road to 0.10 miles north of Harmons Hill Road. The Site G Task I Report included a crash evaluation and a sight distance review of the Hollyville Road and Zoar Road/Harmons Hill Road intersection. The Task I Report recommended that an additional study be performed at the Hollyville Road intersection with Zoar Road/Harmons Hill Road to determine improvements to reduce the potential for angle crashes.

The Site G Task II Report included additional evaluations to determine improvements at the Hollyville Road intersection with Zoar Road/Harmons Hill Road. The additional evaluations included a multi-way stop control warrant analysis, a traffic signal warrant analysis, a capacity and queue assessment, and a roundabout evaluation. The Task II Report recommended the interim improvement of an all-way stop control with warning beacons and signage, and the ultimate



improvement of a roundabout in conjunction with the developments in the area. Under existing conditions, the intersection is all-way stop-controlled.

Based on our review of the TOA, we have the following comments and recommendations:

Based on the level of service (LOS) evaluation criteria as stated in DelDOT's *Development Coordination Manual*, none of the intersections exhibit LOS deficiencies.

Although the proposed unsignalized two-way stop-controlled Site Entrance along Hollyville Road does not exhibit LOS deficiencies, DelDOT requested an analysis of the intersection configured as a roundabout as a traffic calming measure along Hollyville Road. With the implementation of a roundabout, the intersection would operate at LOS A during the weekday AM and PM peak hours under Case 3 future with development conditions. However, we do not recommend that the developer install a roundabout.

The unsignalized two-way stop-controlled Hollyville Road intersection with Hurdle Ditch Road also does not exhibit LOS deficiencies. Additionally, based on a field visit, sight distance is sufficient along every approach to the intersection. However, based on the *Road Design Manual*, a separate left turn lane should be provided along the northbound approach of Hollyville Road to Hurdle Ditch Road. As such, it is recommended the developer improve the northbound Hollyville Road approach to Hurdle Ditch Road to provide a separate left turn lane.

The subject study is a TOA which was scoped to address specific intersections where DelDOT required additional information to determine the need for offsite improvements. Although the Delaware Route 5 and Hollyville Road/Hollymount Road intersection is not a study intersection, per the February 5, 2021 Scoping Meeting Memorandum, DelDOT will require that the developer enter into a traffic signal agreement at the intersection of Delaware Route 5 and Hollyville Road/Hollymount Road.

Should Sussex County approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer shall improve Hollyville Road within the limits of their frontage to meet DelDOT's standards for Functional Classification as found in Section 1.1 of the *Development Coordination Manual* and elsewhere therein. The improvements shall include both directions of travel, regardless of whether the developer's lands are on one or both sides of the road. Frontage is defined in Section 1 of the *Development Coordination Manual*, which states "This length includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway." Questions on or appeals of this requirement should be directed to the DelDOT Subdivision Review Coordinator in whose area the development is located.



2. The developer should construct a full access site entrance on Hollyville Road, approximately 3,350 feet north of the northeast point of tangency at the Zoar Road/Harmons Hill Road intersection. The intersection should be consistent with the lane configurations shown in the table below.

| Approach | Current Configuration | Proposed Configuration |
|----------------------------|-------------------------|--|
| Westbound Site Entrance | Approach does not exist | One shared left turn/right turn lane |
| Northbound Hollyville Road | One through lane | One through lane and one right turn lane |
| Southbound Hollyville Road | One through lane | One left turn lane and one through lane |

Based on DelDOT's *Development Coordination Manual*, the recommended minimum storage length is 240 feet (excluding taper) for the northbound Hollyville Road right turn lane and 135 feet (excluding taper) for the southbound Hollyville Road left turn lane. The calculated queue lengths from the HCS analysis can be accommodated within the recommended storage lengths.

3. The developer should modify the Hollyville Road intersection with Hurdle Ditch Road to be consistent with the lane configurations shown in the table below:

| Approach | Current Configuration | Proposed Configuration |
|-----------------------------|--------------------------------------|---|
| Eastbound Hurdle Ditch Road | One shared left turn/right turn lane | No change |
| Northbound Hollyville Road | One shared left turn/through lane | One left turn lane and one through lane |
| Southbound Hollyville Road | One shared through/right turn lane | No change |

Based on the *Road Design Manual*, the recommended minimum storage length is 80 feet (excluding taper) for the northbound Hollyville Road left turn lane. The calculated queue length from the HCS analysis can be accommodated within the recommended storage length. The developer should submit a plan to DelDOT depicting the design of the intersection during the Entrance Plan review process.

4. The developer should enter into a traffic signal agreement with DelDOT for the intersection of Delaware Route 5 and Hollyville Road/Hollymount Road. The signal agreement should include pedestrian signals, crosswalks, interconnection, and ITS equipment such as CCTV



cameras at DelDOT's discretion. At DelDOT's discretion, the developer may contribute to the Traffic Signal Revolving Fund in lieu of a traffic signal agreement.

5. The following bicycle, pedestrian, and transit improvements should be included:
 - a. A minimum of fifteen-foot wide permanent easement from the edge of the right-of-way should be dedicated to DelDOT along the Hollyville Road site frontage. Within the easement, the developer should construct a ten-foot wide shared-use path (SUP). The SUP should be designed to meet current AASHTO and ADA standards. A minimum five-foot setback should be maintained from the edge of the pavement to the SUP. If feasible, the SUP should be placed behind utility poles and street trees should be provided within the buffer area. The developer should coordinate with DelDOT's Development Coordination Section during the plan review process to identify the exact location of the SUP.
 - b. At least one internal connection of a sidewalk or shared use path should be provided from the shared-use path along Hollyville Road.
 - c. A SUP connection along the eastern side of Hollyville Road should be provided between the proposed SUPs for this site and the Fairmont site.
 - d. Minimum five-foot wide bicycle lanes should be incorporated in the right turn lane and shoulder along the northbound Hollyville Road approach to the site entrance.
 - e. ADA compliant curb ramps and marked crosswalks should be provided along the Site Entrance approach to Hollyville Road. The use of diagonal curb ramps is discouraged. The curb ramps should be designed to accommodate the SUP.
 - f. Utility covers should be moved outside of any designated bicycle lanes and any proposed sidewalks/SUP or should be flush with the pavement.

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT's Plan Review process.

Improvements in this TOA may be considered "significant" under DelDOT's *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT's website at https://www.deldot.gov/Publications/manuals/de_mutcd/index.shtml. For any additional information regarding the work zone impact and mitigation procedures during construction, please contact Mr. Jeff VanHorn, Assistant Director for Traffic Operations and Management. Mr. VanHorn can be reached at (302) 659-4606 or by email at Jeffrey.VanHorn@delaware.gov.



Additional details on our review of the TOA are attached. Please contact me at (302) 266-9600 if you have any questions concerning this review.

Sincerely,
Johnson, Mirmiran, and Thompson, Inc.

A handwritten signature in black ink, appearing to read 'Joanne M. Arellano', is located below the typed name.

Joanne M. Arellano, P.E., PTOE

cc: Mir Wahed, P.E., PTOE
Janna Brown, E.I.T.

Enclosure

General Information

Report date: May 28, 2021

Prepared by: The Traffic Group, Inc.

Prepared for: Schell Brothers, LLC

Tax Parcels: 234-10.00-199.00 and 234-16.00-1.01, 1.02, 3.00, 4.00 and 5.00

Generally consistent with DelDOT's *Development Coordination Manual (DCM)*: Yes

Project Description and Background

Description: The TOA evaluates the impacts of a residential development consisting of 195 single-family detached homes.

Location: The subject site is located on the southeast side of Hollyville Road, southwest of Hurdle Ditch Road in Sussex County, Delaware.

Amount of Land to be developed: An approximately 145.4-acre assemblage of parcels.

Land Use approval(s) needed: Entrance Plan.

Proposed completion date: 2027.

Proposed access locations: One access point: full access entrance on Hollyville Road.

Daily Traffic Volumes:

- 2019 Average Annual Daily Traffic on Hollyville Road (Sussex Road 48): 4,371

Site Map



**Graphic is an approximation based on the Preliminary Plat prepared by The Traffic Group, Inc. dated October 16, 2020.*

Relevant and On-going Projects

DelDOT currently does not have any active projects within the study area. However, the Hollyville Road and Zoar Road/Harmons Hill Road intersection was included in DelDOT's 2013 *Hazard Elimination Program* (HEP) as Site G. Site G is a 0.30-mile corridor along Zoar Road/Hollyville Road from 0.06 miles west of Avalon Road to 0.10 miles north of Harmons Hill Road. The Site G Task I Report included a crash evaluation and a sight distance review of the Hollyville Road and Zoar Road/Harmons Hill Road intersection. The Task I Report recommended that an additional

study be performed at the Hollyville Road intersection with Zoar Road/Harmons Hill Road to determine improvements to reduce the potential for angle crashes.

The Site G Task II Report included additional evaluations to determine improvements at the Hollyville Road intersection with Zoar Road/Harmons Hill Road. The additional evaluations included a multi-way stop control warrant analysis, a traffic signal warrant analysis, a capacity and queue assessment, and a roundabout evaluation. The Task II Report recommended the interim improvement of an all-way stop control with warning beacons and signage, and the ultimate improvement of a roundabout in conjunction with the developments in the area. Under existing conditions, the intersection is all-way stop controlled.

Livable Delaware

(Source: Delaware Strategies for State Policies and Spending, 2020)

Location with respect to the Strategies for State Policies and Spending Map of Delaware:

The proposed development is located within the Investment Level 4.

Investment Level 4

Delaware's Investment Level 4 Areas are rural in nature and are where the bulk of the state's open space/natural areas and agricultural industry is located. These areas contain agribusiness activities, farm complexes, and small settlements. They typically include historic crossroads or points of trade, often with rich cultural ties. Delaware's Investment Level 4 Areas are also the location of scattered residential uses, featuring almost entirely single-family detached residential structures. Delaware's Investment Level 4 Areas also include many unincorporated communities, typically with their own distinctive character and identity. Investment Level 4 Areas depend on a transportation system primarily of secondary roads linked to roadways used as regional thoroughfares for commuting and trucking.

It is the state's intent to discourage additional urban and suburban development in Investment Level 4 Areas unrelated to agriculture and to the areas' needs. In Investment Level 4 Areas, the state's investments and policies should retain the rural landscape and preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development. The focus for the Level 4 Areas will be to preserve and maintain existing facilities in safe working order, corridor-capacity preservation, and the enhancement of transportation facilities to support agricultural business. The lowest priority is given to transit system enhancements.

Proposed Development's Compatibility with Livable Delaware:

The proposed site would be located in Investment Level 4. The 2020 *Delaware Strategies for State Policies and Spending* states that in Investment Level 4, the priority is to sustain homes and vitality of small rural communities. Investment Level 4 areas feature almost entirely single-family detached residential structures. However, new residential development activities are not supported in Investment Level 4 areas. The proposed development is residential, and the site is comprised of agricultural lands and wildlife habitats. Therefore, the proposed development is generally not

consistent with the 2020 update of the Livable Delaware “Strategies for State Policies and Spending.”

Comprehensive Plan

(Source: *Sussex County 2018 Comprehensive Plan*)

Sussex County Comprehensive Plan:

Per the Sussex County Comprehensive plan, the proposed development is in an area designated as an Agricultural Residential District (AR-1) and the developer does not plan to rezone the land.

Proposed Development’s Compatibility with the Sussex County Comprehensive Plan:

The *Sussex County Comprehensive Plan* indicates that the study area falls in a Low-Density Rural Area. The plan states that in these areas, low-density housing developments with 2 houses per acre are appropriate. Additionally, a portion of the development in these areas is required to be left as open space. The proposed development is a low-density housing development with less than 2 houses per acre, and it includes plans for open space. Therefore, the proposed development is generally consistent with the *Sussex County Comprehensive Plan*.

Trip Generation

The trip generation for the proposed development was determined by using the comparable land use and rates/equations contained in the *Trip Generation, 10th Edition: An ITE Informational Report*, published by the Institute of Transportation Engineers (ITE) for ITE Land Use Code 210 (single-family detached housing). The trip generation was approved by DelDOT during the Preliminary Traffic Operational Analysis (PTOA) review.

Table 1
Turnberry (f.k.a. Unity Branch) Trip Generation

| Land Use | ADT | AM Peak Hour | | | PM Peak Hour | | |
|---|-------|-----------------|------|-------|-----------------|------|-------|
| | | Enter | Exit | Total | Enter | Exit | Total |
| 195 Single-Family Homes (ITE Code 210) | 1,922 | 36 | 107 | 143 | 122 | 71 | 193 |

Overview of TOA

Intersections examined:

1. Site Entrance / Hollyville Road (Sussex Road 48)
2. Hollyville Road / Zoar Road (Sussex Road 48) / Harmons Hill Road (Sussex Road 302)
3. Hollyville Road / Hurdle Ditch Road (Sussex Road 290)

Conditions examined:

1. Case 1 – 2021 Existing
2. Case 2 – 2027 without Development

3. Case 3 – 2027 with Development

Committed Developments considered:

1. Fairmont (104 single-family detached houses)
2. Woodridge (188 single-family detached houses, 159 unbuilt)
3. Liberty East (121 single-family detached houses, 99 unbuilt)
4. Wetherby (126 single-family detached houses)
5. Independence (a.k.a. Indigo Run) (455 single-family detached houses, 124 unbuilt)

Note: Committed development information provided in the TOA supersedes the information provided in the February 5, 2021 DelDOT Scoping Meeting Memorandum.

Peak hours evaluated: Weekday morning and weekday evening.

Intersection Descriptions

1. Site Entrance / Hollyville Road (Sussex Road 48)

Type of Control: Proposed two-way stop-controlled intersection (T-intersection)

Westbound Approach: (Site Entrance) Proposed one shared left turn/right turn lane.

Northbound Approach: (Hollyville Road) Existing one through lane, proposed one through lane and one right turn lane.

Southbound Approach: (Hollyville Road) Existing one through lane, proposed one left turn lane and one through lane.

2. Hollyville Road / Zoar Road (Sussex Road 48) / Harmons Hill Road (Sussex Road 302)

Type of Control: Existing all-way stop-controlled intersection (four-legged)

Eastbound Approach: (Zoar Road) Existing one shared left turn/through/right turn lane.

Westbound Approach: (Harmons Hill Road) Existing one shared left turn/through/right turn lane.

Northbound Approach: (Hollyville Road) Existing one shared left turn/through/right turn lane.

Southbound Approach: (Hollyville Road) Existing one shared left turn/through/right turn lane.

3. Hollyville Road / Hurdle Ditch Road (Sussex Road 290)

Type of Control: Existing two-way stop-controlled intersection (T-intersection)

Eastbound Approach: (Hurdle Ditch Road) Existing one shared left turn/right turn lane, stop-controlled.

Northbound Approach: (Hollyville Road) Existing one shared left turn/through lane.

Southbound Approach: (Hollyville Road) Existing one shared through/right turn lane.

Transit, Pedestrian, and Bicycle Facilities

Existing transit service: Per DelDOT Gateway, Delaware Transit Corporation (DTC) currently does not provide transit service within the study area.

Planned transit service: Per email correspondence on July 1, 2021 with Mr. Jared Kauffman, Planner for DART, transit improvements are not being requested in the area at this time.

Existing bicycle and pedestrian facilities: According to DelDOT's Sussex County Bicycle Map, a Connector Bicycle Route exists within the study area. The Connector Bicycle Route exists along Hollyville Road, and it traverses through 3 study intersections (Site Entrance, Zoar Road/Harmons Hill Road, and Hurdle Ditch Road).

Planned bicycle and pedestrian facilities: Per email correspondence dated July 1, 2021, from Ms. Linda Osiecki, DelDOT's Pedestrian Coordinator, and email correspondence dated July 2, 2021, from Mr. John Fiori, DelDOT's Bicycle Coordinator, the following improvements were recommended:

- Referring to the State Strategies and Spending Map this site is within Level 4. Per the DelDOT SUP/Sidewalk Policy a non-motorized facility is not required unless the site generates over 2,000-trips or there is an existing facility adjacent to the site. If the facility is required, it would be recommended that a 10-foot wide shared-use path be installed with angled terminations into the shoulder and shared-use path extended to both property lines.
- If the SUP is required, at least one internal connection of a sidewalk or shared use path from the shared-use path along Hollyville Road.
- Per the Development Coordination Manual (DCM) the site shall dedicate right-of-way per the roadway classification and establish a 15' wide permanent easement along the property frontage.
- All entrance, roadway and/or intersection improvements required shall incorporate bicycle and pedestrian facilities. Per the DCM, if the right turn lane is warranted, then a separate bike lane shall be incorporated along the right turn lane.
- Construct frontage SUP with angled terminations and pedestrian access into the site as shown on the plans.
- A bicycle/pedestrian crossing of the Hollyville Road intersection with Zoar Road/Harmons Hill Road should be provided from the proposed SUP along the eastern side of Hollyville Road. The crossing should include marked crosswalks and receiving curb ramps at full SUP width.
- A SUP connection along the southern side of Hollyville Road should be provided between the proposed SUPs for this site and the Fairmont site. If the connection is not provided, marked crosswalks and receiving curb ramps at full SUP width should be provided at the Hollyville Road intersection with Hurdle Ditch Road.

Bicycle Level of Traffic Stress in Delaware: Researchers with the Mineta Transportation Institute developed a framework to measure low-stress connectivity, which can be used to evaluate and guide bicycle network planning. Bicycle LTS analysis uses factors such as the speed of traffic, volume of traffic, and the number of lanes to rate each roadway segment on a scale of 1 to 4, where 1 is a low-stress place to ride and 4 is a high-stress place to ride. It analyzes the total connectivity

of a network to evaluate how many destinations can be accessed using low-stress routes. Developed by planners at the Delaware Department of Transportation (DelDOT), the bicycle Level of Traffic Stress (LTS) model will be applied to bicycle system planning and evaluation throughout the state. The Bicycle LTS for the roadways under existing conditions along the site frontage are summarized below. The Bicycle LTS was determined utilizing the map on the DelDOT Gateway.

- Hollyville Road – LTS: 4

Crash Evaluation

Per the crash data included in the TOA from March 3, 2018 to March 3, 2021 and provided by the Delaware Crash Analysis Reporting System, a total of eight crashes were reported in the area of the Hollyville Road/Hurdle Ditch Road intersection. Of the eight crashes reported, five were single vehicle incidents, two were rear end collisions, and one was a sideswipe crash. Three of the crashes resulted in injuries.

A total of 14 crashes were reported in the area of the Hollyville Road/Zoar Road/Harmons Hill Road intersection. Of the 14 crashes reported, six were single vehicle incidents, five were rear end collisions, one was a front-to-front collision, one was an angle crash, and one was other/unknown. Two of the crashes resulted in injuries and no fatalities were reported within the study area.

Previous Comments

All comments made during the Preliminary TOA (PTOA) were addressed in the Final TOA (FTOA).

General HCS Analysis Comments

(See table footnotes on the following pages for specific comments)

1. JMT and the TOA utilized version 7.9.5 of HCS7.
2. Due to a lack of heavy vehicle count data and per DelDOT's *Development Coordination Manual*, JMT used a heavy vehicle percentage of 3% for each movement greater than 100 vph in all cases, whereas the TOA utilized various heavy vehicle percentages.
3. Per DelDOT's *Development Coordination Manual* and coordination with DelDOT Planning, JMT used a heavy vehicle percentage of 5% for each movement less than 100 vph along roadways. A heavy vehicle percentage of 3% was utilized for movements entering and exiting the proposed site.
4. Per DelDOT's *Development Coordination Manual*, JMT utilized the existing PHF for the Case 1 scenario and a future PHF for Cases 2 and 3 scenarios of 0.80 for roadways with less than 500 vph, 0.88 for roadways between 500 and 1,000 vph, and 0.92 for roadways with more than 1,000 vph or the existing PHF, whichever was higher. The TOA utilized existing PHF for all cases.

Table 2
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Turnberry (f.k.a. Unity Branch)
Report Dated May 28, 2021
Prepared by The Traffic Group, Inc.

| Unsignalized Intersection Two-Way Stop Control (T-intersection) ¹ | LOS per TOA | | LOS per JMT | |
|--|-------------|------------|-------------|------------|
| Site Entrance /Hollyville Road (Sussex Road 48) | Weekday AM | Weekday PM | Weekday AM | Weekday PM |
| 2027 with Development (Case 3) ² | | | | |
| Westbound Site Entrance Approach | B (13.8) | B (12.8) | B (13.0) | B (13.2) |
| Southbound Hollyville Road Left Turn | A (8.1) | A (8.1) | A (8.0) | A (8.1) |

Table 2 (continued)
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Turnberry (f.k.a. Unity Branch)
Report Dated: May 28, 2021
Prepared by The Traffic Group, Inc.

| Roundabout ¹ | LOS per TOA | | LOS per JMT | |
|--|-------------|------------|-------------|------------|
| Site Entrance /Hollyville Road (Sussex Road 48) ³ | Weekday AM | Weekday PM | Weekday AM | Weekday PM |
| 2027 with Development (Case 3) | | | | |
| Westbound Site Entrance Approach | - | - | A (4.9) | A (4.1) |
| Northbound Hollyville Road Approach | - | - | A (4.9) | A (5.1) |
| Southbound Hollyville Road Approach | - | - | A (4.6) | A (5.3) |
| Overall | - | - | A (4.8) | A (5.1) |

¹ For signalized and unsignalized analysis, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds.

² The TOA utilized a PHF of 0.80 during the AM peak hour, whereas JMT utilized a PHF of 0.88 per DelDOT's *Development Coordination Manual*.

³ Per request from DelDOT, JMT performed an additional analysis of the intersection as a single lane roundabout.

Table 3
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Turnberry (f.k.a. Unity Branch)
Report Dated: May 28, 2021
Prepared by The Traffic Group, Inc.

| Unsignalized Intersection All-Way Stop Control ¹ | LOS per TOA | | LOS per JMT | |
|---|---------------|---------------|---------------|---------------|
| | Weekday AM | Weekday PM | Weekday AM | Weekday PM |
| Hollyville Road/Zoar Road (Sussex Road 48)/Harmons Hill Road (Sussex Road 302) | | | | |
| 2021 Existing (Case 1) | | | | |
| Eastbound Zoar Road Approach | B (10.4) | B (10.1) | B (10.4) | B (10.2) |
| Westbound Harmons Hill Road Approach | A (9.3) | A (8.7) | A (9.4) | A (8.8) |
| Northbound Hollyville Road Approach | A (9.6) | A (8.9) | A (9.7) | A (9.0) |
| Southbound Hollyville Road Approach | A (9.9) | A (9.3) | A (9.9) | A (9.3) |
| Overall | A (9.9) | A (9.5) | A (9.9) | A (9.5) |
| 2027 without Development (Case 2) | | | | |
| Eastbound Zoar Road Approach | B (12.8) | B (13.7) | B (12.1) | B (13.8) |
| Westbound Harmons Hill Road Approach | B (12.0) | B (10.5) | B (11.5) | B (10.7) |
| Northbound Hollyville Road Approach | B (11.9) | B (11.1) | B (11.3) | B (11.2) |
| Southbound Hollyville Road Approach | B (13.3) | B (12.1) | B (12.4) | B (12.2) |
| Overall | B (12.6) | B (12.2) | B (11.9) | B (12.3) |

Table 3 (continued)
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Turnberry (f.k.a. Unity Branch)
Report Dated: May 28, 2021
Prepared by The Traffic Group, Inc.

| Unsignalized Intersection All-Way Stop Control ¹ | LOS per TOA | | LOS per JMT | |
|---|---------------|---------------|---------------|---------------|
| | Weekday AM | Weekday PM | Weekday AM | Weekday PM |
| Hollyville Road/Zoar Road (Sussex Road 48)/Harmon Hill Road (Sussex Road 302) | | | | |
| 2027 with Development (Case 3) | | | | |
| Eastbound Zoar Road Approach | B (13.7) | C (15.5) | B (12.9) | C (15.7) |
| Westbound Harmons Hill Road Approach | B (12.6) | B (11.2) | B (12.1) | B (11.3) |
| Northbound Hollyville Road Approach | B (12.7) | B (12.4) | B (12.0) | B (12.6) |
| Southbound Hollyville Road Approach | C (15.8) | B (13.7) | B (14.3) | C (13.8) |
| Overall | B (14.0) | B (13.7) | B (13.0) | B (13.8) |

Table 3 (continued)
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Turnberry (f.k.a. Unity Branch)
Report Dated: May 28, 2021
Prepared by The Traffic Group, Inc.

| Roundabout ¹ | LOS per TOA | | LOS per JMT | |
|--|-------------|------------|-------------|------------|
| | Weekday AM | Weekday PM | Weekday AM | Weekday PM |
| Hollyville Road/Zoar Road (Sussex Road 48)/Harmon Hill Road (Sussex Road 302)⁴ | | | | |
| 2027 with Development (Case 3) | | | | |
| Eastbound Zoar Road Approach | | | A (5.8) | A (6.6) |
| Westbound Harmons Hill Road Approach | - | - | A (5.8) | A (5.3) |
| Northbound Hollyville Road Approach | - | - | A (5.4) | A (6.3) |
| Southbound Hollyville Road Approach | - | - | A (6.4) | A (5.7) |
| Overall | - | - | A (5.9) | A (6.0) |

⁴ JMT performed an additional analysis of the intersection as a single lane roundabout.

Table 4
Peak Hour Levels Of Service (LOS)
Based on Traffic Operational Analysis for Turnberry (f.k.a. Unity Branch)
Report Dated: May 28, 2021
Prepared by The Traffic Group, Inc.

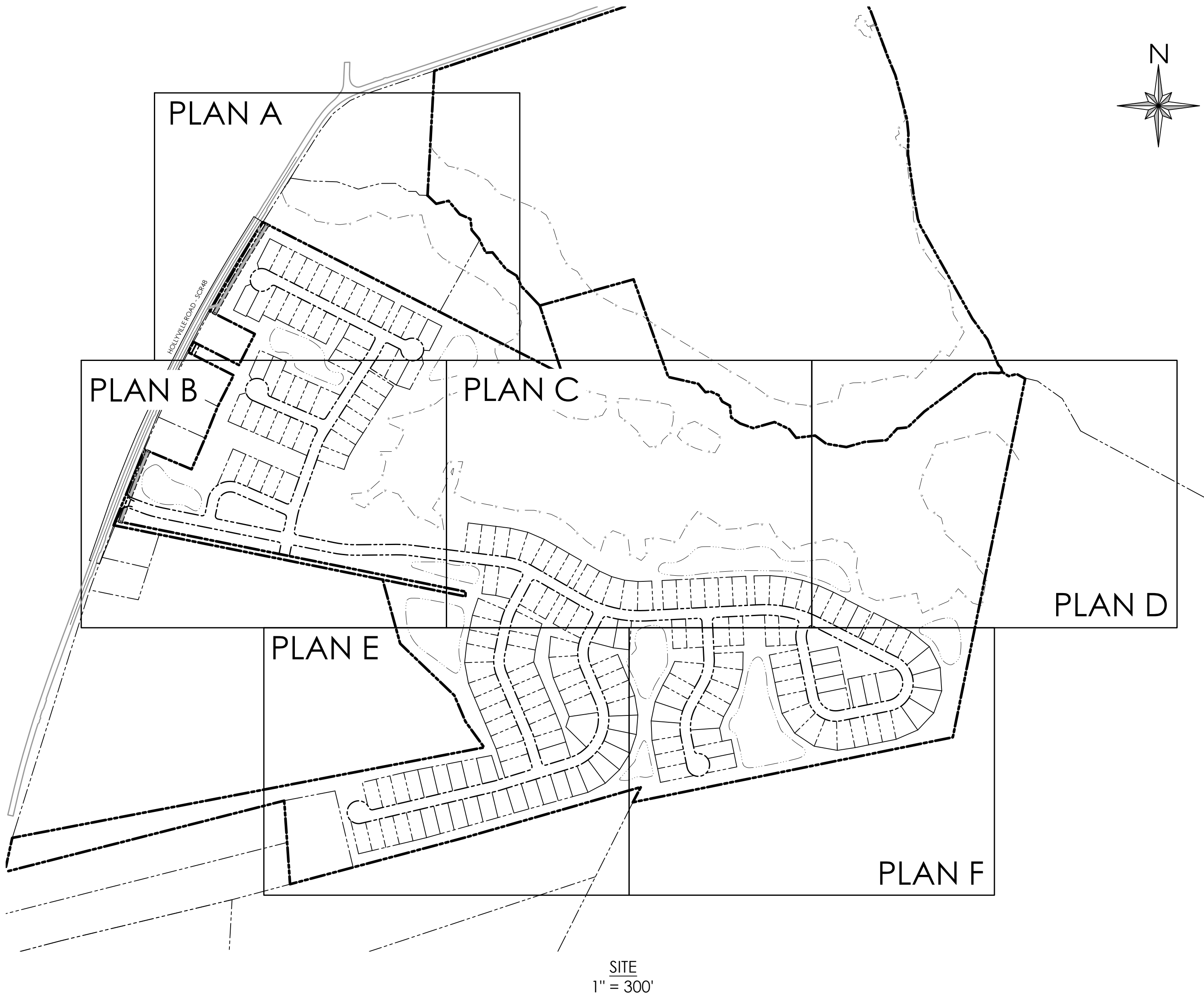
| Unsignalized Intersection Two-way Stop Control (T-Intersection) ^{1, 5} | LOS per TOA | | LOS per JMT | |
|---|---------------|---------------|---------------|---------------|
| Hollyville Road /Hurdle Ditch Road (Sussex Road 290) | Weekday AM | Weekday PM | Weekday AM | Weekday PM |
| 2021 Existing (Case 1) | | | | |
| Northbound Hollyville Road Left Turn | A (7.6) | A (7.7) | A (7.6) | A (7.8) |
| Eastbound Hurdle Ditch Road Approach | A (9.7) | A (9.9) | A (9.7) | A (9.9) |
| | | | | |
| 2027 without Development (Case 2) | | | | |
| Northbound Hollyville Road Left Turn | A (7.8) | A (8.0) | A (7.8) | A (7.9) |
| Eastbound Hurdle Ditch Road Approach | B (10.3) | B (11.5) | B (10.3) | B (11.1) |
| | | | | |
| 2027 with Development (Case 3) | | | | |
| Northbound Hollyville Road Left Turn | A (7.8) | A (8.1) | A (7.9) | A (8.1) |
| Eastbound Hurdle Ditch Road Approach | B (10.6) | B (11.8) | B (10.7) | B (11.9) |

⁵ Due to a lack of recent count data and per DelDOT's *Development Coordination Manual*, both the TOA and the TIS utilized a PHF for all cases of 0.80 for roadways with less than 500 vph, 0.88 for roadways between 500 and 1,000 vph, and 0.92 for roadways with more than 1,000 vph.

| | EXISTING | PROPOSED |
|-----------------------|--------------|----------|
| PROPERTY LINE | ---- | ---- |
| EASEMENT LINE | ---- | ---- |
| SETBACK LINE | N/A | ---- |
| R.O.W. LINE | ---- | ---- |
| CONTOUR | -----10----- | N/A |
| SPOT ELEVATION | N/A | 28.00 |
| ROAD CENTERLINE | ---- | ---- |
| EDGE OF CONCRETE | N/A | ---- |
| EDGE OF PAVEMENT | ---- | ---- |
| CURB | N/A | ---- |
| DELDOT PAVEMENT HATCH | | |
| SIDEWALK | N/A | |
| SIDEWALK HATCH | N/A | |
| TRAIL | N/A | |
| EDGE OF POND | N/A | ---- |
| EDGE OF WETLAND | ψ | N/A |
| WETLAND | | N/A |
| FLOODPLAIN | ---- | N/A |
| CURB INLET | N/A | |
| YARD INLET | N/A | |
| STORM PIPE | N/A | SD |
| SANITARY MANHOLE | N/A | SS |
| SANITARY PIPE | N/A | SS |
| FORCEMAIN | N/A | FM |
| WATER PIPE | N/A | W |
| FIRE HYDRANT | N/A | |
| TREE LINE | ~~~~~ | ~~~~~ |

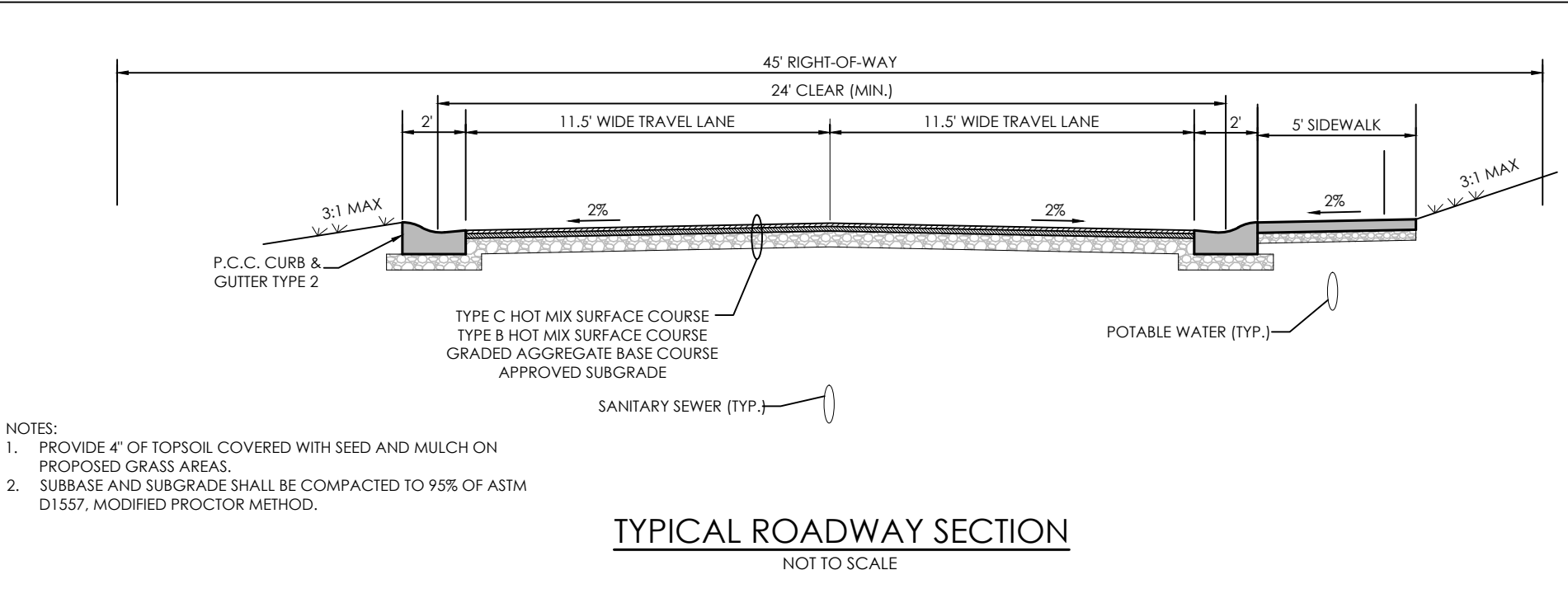
NOTES:

1. ALL ON-SITE STREETS ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE STREETS SHALL BE BY THE RESPECTIVE ORGANIZATION.
2. STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX COUNTY CONSERVATION DISTRICT AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY MULTIPLE WET PONDS. MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE ABOVE PROACTIVE SHALL BE BY THE RESPECTIVE ORGANIZATION.
3. ALL OPEN SPACE, INCLUDING BUFFERS AND FOREST STRIPS, SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
4. FOR ANY NEW DEVELOPMENT LOCATED IN WHOLE OR IN PART WITH 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL FOR A RESIDENTIAL TYPE USE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF THE LANDS USED PRIMARILY FOR AGRICULTURAL PURPOSES.
5. POTABLE WATER, SANITARY SEWER, STORM DRAINAGE, STREET PAVEMENT SHALL BE CONSTRUCTED BY DEVELOPER. PHASING OF IMPROVEMENTS SHALL BE PER COUNTY AND CONSERVATION DISTRICT REQUIREMENTS.
6. THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS. THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES



PRELIMINARY PLAT

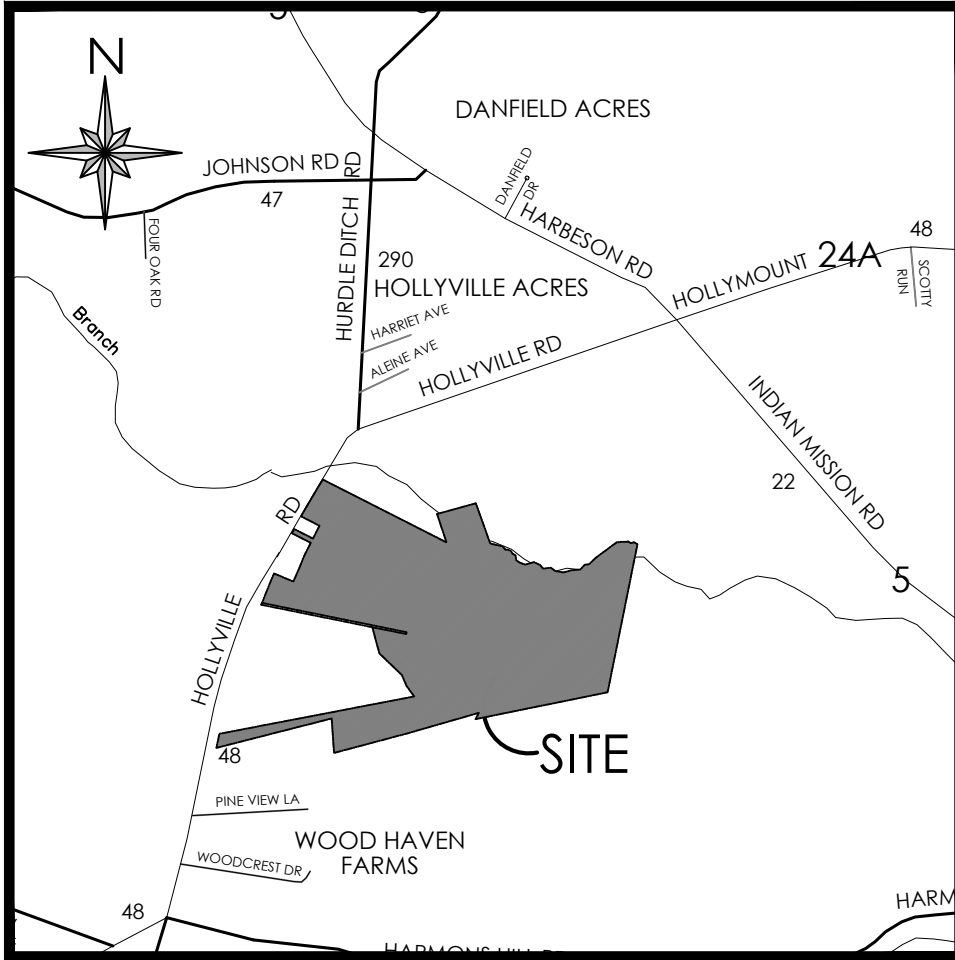
1. COVER SHEET
2. EXISTING CONDITIONS PLAN
3. PRELIMINARY PLAT A
4. PRELIMINARY PLAT B
5. PRELIMINARY PLAT C
6. PRELIMINARY PLAT D
7. PRELIMINARY PLAT E
8. PRELIMINARY PLAT F



TYPICAL ROADWAY SECTION
NOT TO SCALE

SITE DATA:

- OWNER: HOLLYVILLE BUYER, LLC
20184 PHILLIPS STREET
REHOBOTH BEACH, DE 19971
- APPLICANT/ DEVELOPER: SCHELL BROTHERS, LLC
20184 PHILLIPS STREET
REHOBOTH BEACH, DE 19971
PHONE: 302-778-9668
CONTACT: CHRIS SCHELL
- ENGINEER: SOLUTIONS IPEM
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302-297-9215
CONTACT: JASON PALKEWICZ, PE
- TAX MAP:
234-16.00-1.01
234-16.00-1.02
234-16.00-3.00
234-16.00-4.00
234-16.00-5.00
SITE AREA = 135.524 ± ACRES
 - PROPOSED USE: AR-1 CLUSTER SUBDIVISION
196 SINGLE FAMILY LOTS
DENSITY = 196 UNITS / 135.524 AC = 1.446 UNITS/AC
PERMITTED DENSITY = 2.178 UNITS/AC
MIN. LOT AREA = 7,500 S.F.
MIN. LOT WIDTH = 60'
MAXIMUM BUILDING HEIGHT: 42'
 - EXISTING ZONING:
AR-1
 - PROPOSED BUILDING SETBACKS:
FRONT: 25' (1/3 CORNER LOT)
SIDE: 10'
REAR: 10'
 - FLOOD ZONE:
THE PROPERTY IS LOCATED WITHIN FLOOD ZONE A - NO BASE ELEVATION (SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD) AND FLOOD ZONE X, [AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN]. PER FRM MAP NUMBER 1000SC0340K, MAP REVISED MARCH 16, 2015 AND FRM MAP NUMBER 1000SC0325L, MAP REVISED JUNE 20, 2018.
 - WATER SUPPLY:
ARTESIAN WATER COMPANY
 - SANITARY SEWER:
ARTESIAN WASTEWATER MANAGEMENT, INC.
 - SOIL CLASSIFICATIONS:
HuA: HURLOCK LOAMY SAND, 0 TO 2 PERCENT SLOPES
KsA: KLEJ LOAMY SAND, 0 TO 2 PERCENT SLOPES
Lo: LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED
Psa: PEPPERBOX-ROSEDALE COMPLEX, 0 TO 2 PERCENT SLOPES
RoA: ROSEDALE LOAMY SAND, 0 TO 2 PERCENT SLOPES
RuA: RUNCLINT LOAMY SAND, 0 TO 2 PERCENT SLOPES
 - TOPOGRAPHY AND BOUNDARY SHOWN HEREIN ARE AS PROVIDED BY SOLUTIONS IPEM LLC.
 - OPEN SPACE = 88.14 ± AC. (65% ±) (INCLUDES 35.47 AC. ± OF NON-TIDAL WETLANDS) 2.00 AC. ± TO BE RETAINED BY OWNER
 - EXISTING WOODLANDS = 108.6 ± AC.
WOODLANDS TO REMAIN = 52.6 ± AC.*
WOODLANDS TO BE REMOVED = 56.0 ± AC.*
SUBJECT TO FINAL ENGINEERING
 - PROJECT IS NOT LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID)
 - PROJECT IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREAS
 - PROJECT IS LOCATED WITHIN THE AREAS OF FAIR AND POOR GROUNDWATER RECHARGE POTENTIAL



VICINITY MAP
SCALE: 1" = 2,000'

solutions
IPEM
INCORPORATED

303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215

3033 Marlin Mill Road
Salisbury, MD 21804
T. 410.572.8833

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JASON PALKEWICZ
LICENSE
No. 12083
PROFESSIONAL ENGINEER
SUSSEX COUNTY, DELAWARE

Seal

Date

| NO. | DATE | REVISIONS | |
|-----|---------|--|--|
| | | DESCRIPTION | |
| 1 | 8/20/21 | REVIEWS PER AGENCY REVIEW LETTER DATED 8/13/21 | |
| 2 | 9/9/21 | REMOVE PARCEL 234-10.00-199.00 | |
| | | | |
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COVER SHEET

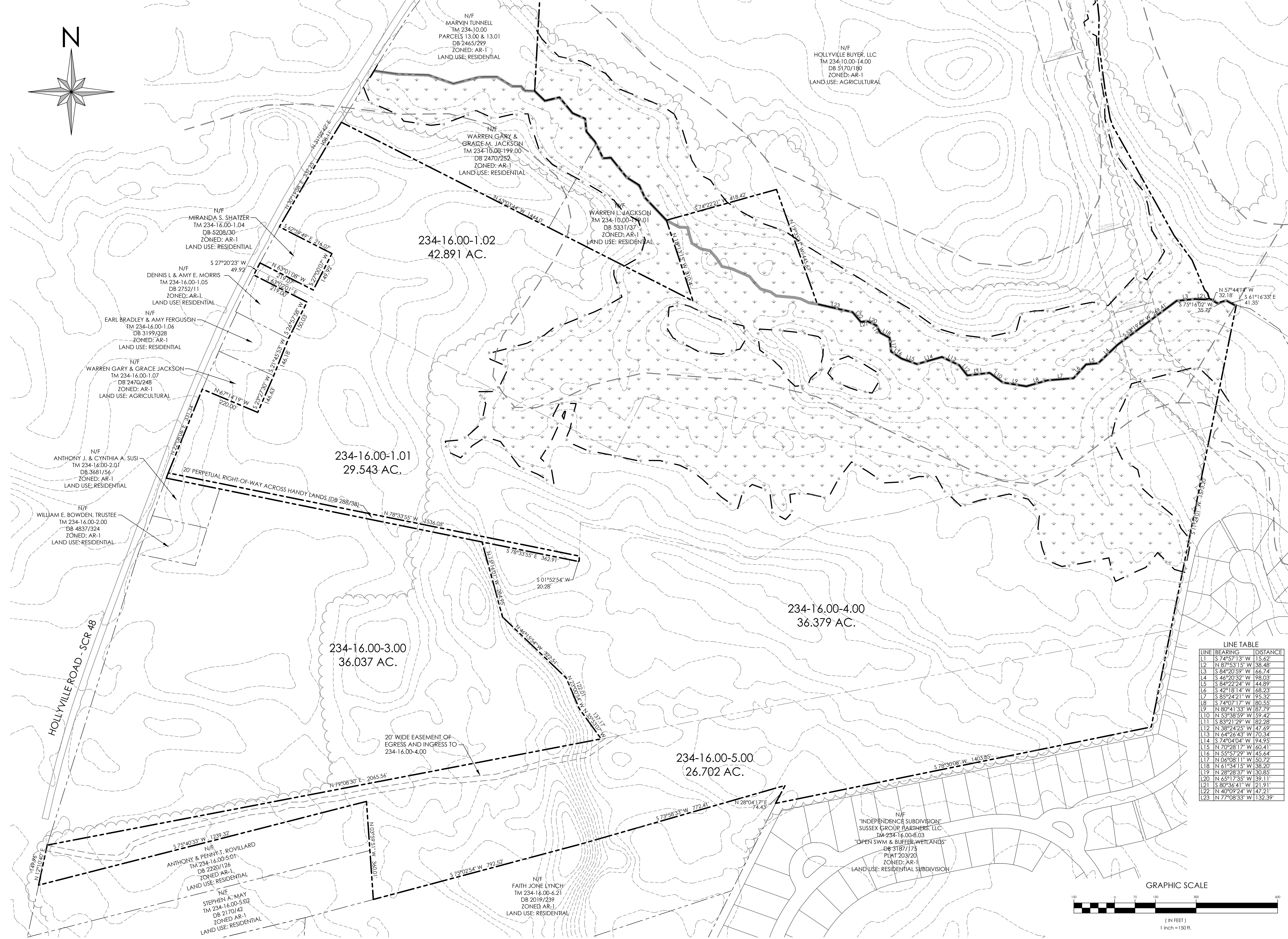
for

TURNBERRY

SUSSEX COUNTY, DELAWARE

Prepared for: HOLLYVILLE BUYER, LLC

| | | | |
|----------------------|------------|--------------|-------|
| Date: | 10-16-2020 | Job Number: | 20076 |
| Scale: | AS SHOWN | Drawn By: | HHB |
| Designed By: | HHB | Approved By: | JIP |
| Sheet No.: 1 | | | |
| File Name: Cover.dwg | | | |



| LINE TABLE | | |
|------------|----------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S 74°55' 13" W | 15.62 |
| L2 | N 87°53'15" W | 38.48 |
| L3 | S 84°20' 59" W | 66.74 |
| L4 | S 46°20' 32" W | 98.03 |
| L5 | S 84°22'24" W | 44.89 |
| L6 | N 86°16' 14" W | 68.23 |
| L7 | S 85°24'21" W | 59.92 |
| L8 | S 74°07' 17" W | 80.55 |
| L9 | N 80°41' 33" W | 87.79 |
| L10 | N 53°38'59" W | 59.42 |
| L11 | S 83°21' 29" W | 82.28 |
| L12 | S 83°48' 42" W | 47.69 |
| L13 | S 82°26' 43" W | 19.34 |
| L14 | S 74°04'04" W | 94.95 |
| L15 | N 70°28'17" W | 60.41 |
| L16 | S 55°57'29" W | 45.64 |
| L17 | N 06°08'11" W | 50.72 |
| L18 | N 61°34'15" W | 38.20 |
| L19 | N 28°39'37" W | 30.85 |
| L20 | N 36°14' 11" W | 21.11 |
| L21 | S 80°36' 31" W | 21.91 |
| L22 | N 40°09'24" W | 47.21 |
| L23 | N 77°08' 33" W | 132.39 |

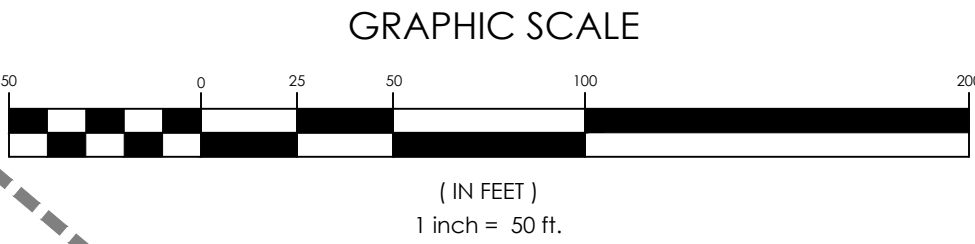
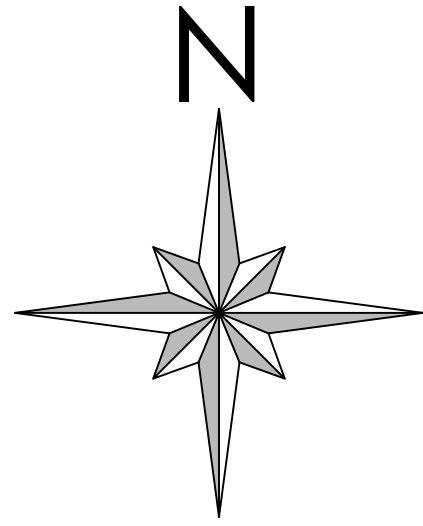
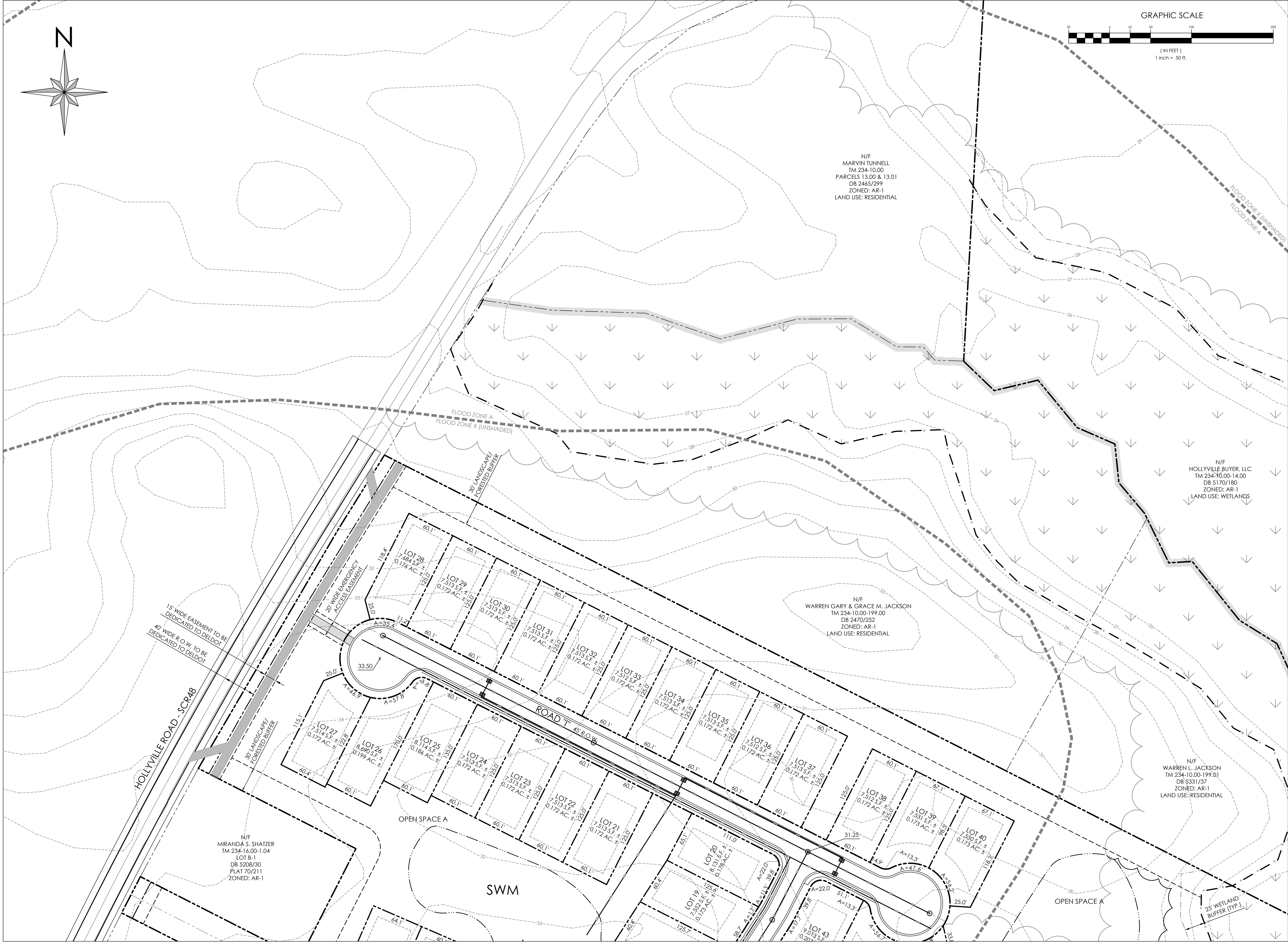
(IN FEET)
1 inch = 150 ft.

| REVISIONS | | |
|-----------|---------|--|
| NO. | DATE | DESCRIPTION |
| 1 | 8/20/21 | REVISIONS PER AGENCY REVIEW LETTER DATED 8/13/21 |
| 2 | 9/9/21 | REMOVE PARCEL 234-10.00-199.00 |
| | | |
| | | |
| | | |

Prepared for: HOLLYVILLE BUYER, LLC

| | |
|--------------|------------|
| Date: | 10-16-2020 |
| Job Number: | 20076 |
| Scale: | 1"= 100' |
| Drawn By: | HHB |
| Designed By: | HHB |
| Approved By: | JP |

File Name:



N/F
MARVIN TUNNELL
TM 234-10.00
PARCELS 13.00 & 13.01
DB 2465/299
ZONED: AR-1
LAND USE: RESIDENTIAL

N/F
HOLLYVILLE BUYER, LLC
TM 234-10.00-14.00
DB 5170/180
ZONED: AR-1
LAND USE: WETLANDS

N/F
WARREN GARY & GRACE M. JACKSON
TM 234-10.00-199.00
DB 2470/252
ZONED: AR-1
LAND USE: RESIDENTIAL

N/F
WARREN L. JACKSON
TM 234-10.00-199.01
DB 5331/37
ZONED: AR-1
LAND USE: RESIDENTIAL

N/F
MIRANDA S. SHATZER
TM 234-16.00-1.04
LOT 8-1
DB 5208/30
PLAT 70/211
ZONED: AR-1

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Georgetown, DE 19947
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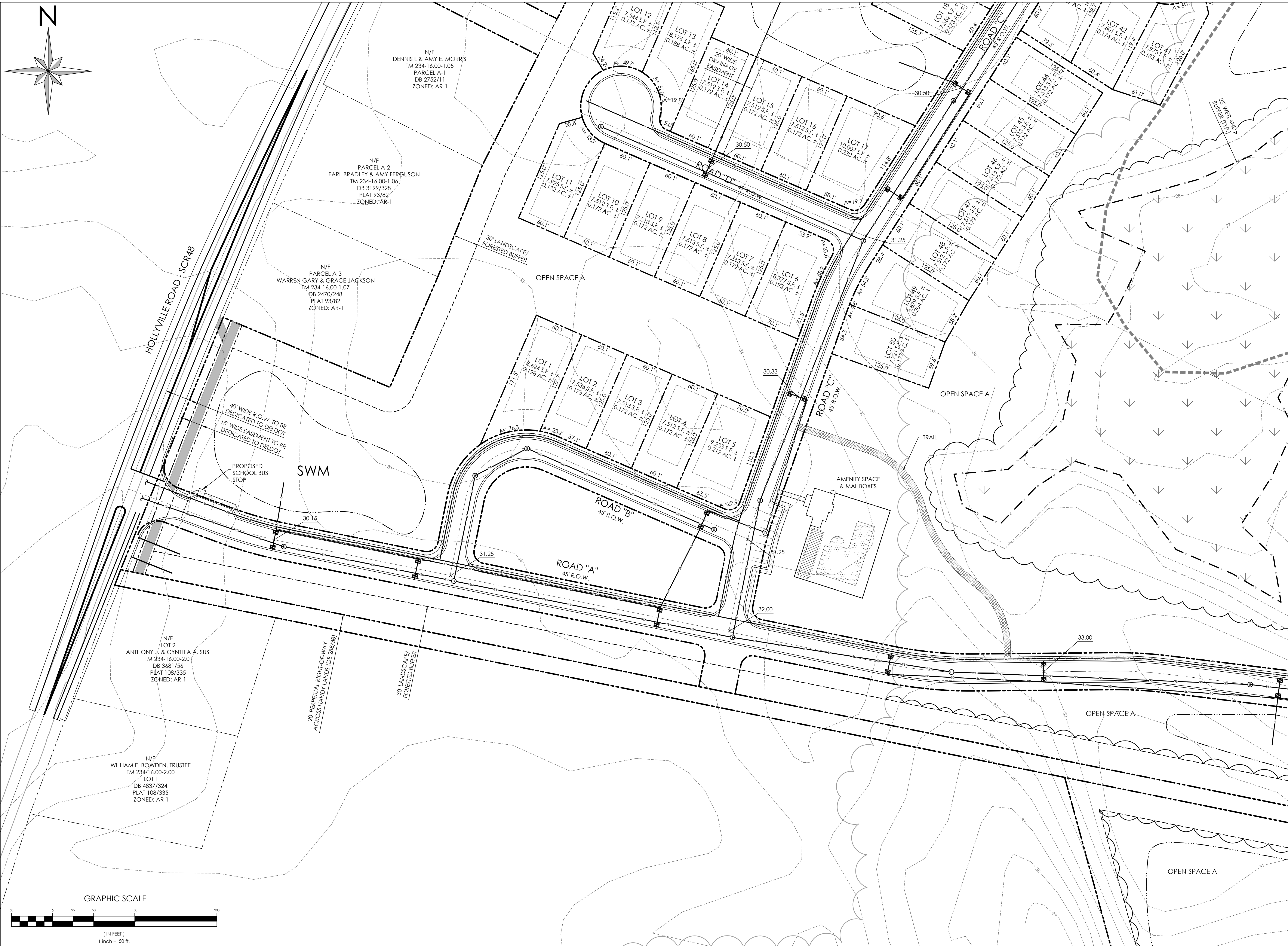
Seal
Date

| REVISIONS | | DESCRIPTION |
|-----------|---------|--|
| NO. | DATE | REVISIONS PER AGENCY REVIEW LETTER DATED 8/13/21 |
| 1 | 8/20/21 | REMOVE PARCEL 234-10.00-199.00 |
| 2 | 9/9/21 | |
| | | |
| | | |
| | | |
| | | |

PRELIMINARY PLAT A
for
TURNBERRY
SUSSEX COUNTY, DELAWARE
Prepared for: HOLLYVILLE BUYER, LLC

| | |
|--------------|------------|
| Date: | 10-16-2020 |
| Job Number: | 20076 |
| Scale: | 1"=50' |
| Drawn By: | HHB |
| Designed By: | HHB |
| Approved By: | J.P. |

Sheet No.:
File Name: PP.dwg

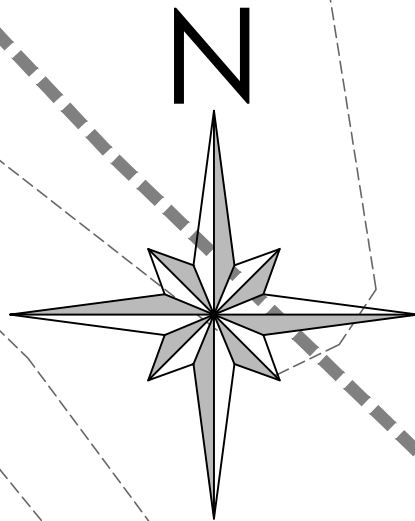
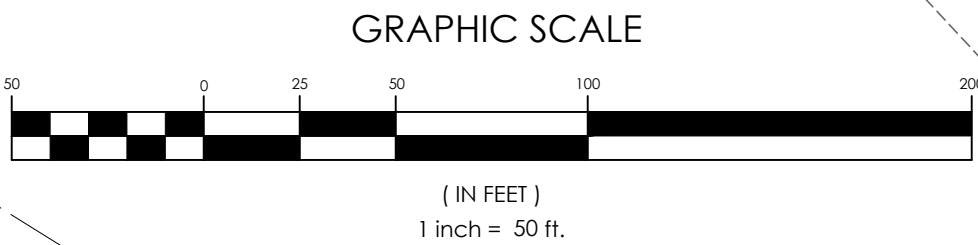


(IN FEET)
1 inch = 50 ft.

PP.dwc



N/F
"INDEPENDENCE SUBDIVISION"
SUSSEX GROUP PARTNERS, LLC
TM 234-16.00-8.03
"OPEN SWM & BUFFER WETLANDS"
DB 3187/175
PLAT 203/20
ZONED: AR-1
LAND USE: RESIDENTIAL SUBDIVISION



solutions
Engineering & Surveying
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Georgetown, DE 19947
T. 302.297.9215
3033 Mantle Mill Road
Salisbury, MD 21804
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Seal
Date

| REVISIONS | | DESCRIPTION |
|-----------|---------|--|
| NO. | DATE | |
| 1 | 8/20/21 | REVISIONS PER AGENCY REVIEW LETTER DATED 8/13/21 |
| 2 | 9/9/21 | REMOVE PARCEL 234-10.00-199.00 |
| | | |
| | | |
| | | |

PRELIMINARY PLAT D
for
TURNBERRY
SUSSEX COUNTY, DELAWARE
Prepared for: HOLLYVILLE BUYER, LLC

Date: 10-16-2020
Job Number: 20076
Scale: 1"=50'
Drawn By: HJB
Designed By: HJB
Approved By: JIP

Sheet No.: 6

File Name: PP.dwg



OPEN SPACE A

N/F
STEPHEN A. MAY
TM 234-16.00-5.02
DB 2170/42
PLAT 57/342
ZONED AR-1

N/F
FAITH/HONE/LYNCH
TM 234-16,00-6.21
DB 2019/239
PLAT 45/232
ZONED AR-1

(IN FEET)
1 inch = 50 ft.

| | |
|--------------|------------|
| Date: | 10-16-2020 |
| Job Number: | 20076 |
| Scale: | 1"=50' |
| Drawn By: | HHB |
| Designed By: | HHB |
| Approved By: | JP |

Sheet No.: 7

File Name: PP.dwg

TAX MAP #: 2-34 16.00 1.01 & 1.02 &
p/o 2-34 10.00 199.00
PREPARED BY & RETURN TO:
Tunnell & Raysor, P.A.
770 Kings Highway
Lewes, DE 19958
File No. HD23480/KJM

THIS DEED, made this 16th day of December, 2019,

- BETWEEN -

KEITH A. COFFIN and **SHELLEY J. COFFIN**, his wife, of 323 N. Heron Gull Ct., Ocean City, MD 21842, parties of the first part,

- AND -

HOLLYVILLE BUYER LLC, a Delaware limited liability company of 20184 Phillips Street, Rehoboth Beach, DE 19971, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

EXHIBIT A

As to Parcel 2-34 16.00 1.02

ALL THAT CERTAIN lot or parcel of land lying and being situate in the Indian River Hundred of Sussex County, Delaware, on the easterly side of Hollyville Road, also known as State Route No. 48, as depicted on a recent Boundary Line Adjustment Plan prepared by Russell T. Hammond Surveying, LLC, dated June 11, 2019 and recorded

October 1, 2019 in the Office of the Recorder of Deeds in and for Sussex County in Plot Book 292, Page 51 being more particularly described as follows, to wit:

BEGINNING for this description at a found concrete monument at the westerly most corner of the lands herein described, being on the easterly side of Hollyville Road, THENCE along easterly line of Hollyville Road with a curve to the right having an arc distance of 25.15 feet, radius of 6,252.00 feet, and a chord bearing and distance of North 27 degrees 18 minutes 47 seconds East 25.15 feet to a found iron rod, said iron rod being the southwesterly corner of lands now or formerly of Michael Shatzer, THENCE continuing along the lands now or formerly of Shatzer, South 62 degrees, 59 minutes 24 seconds East 219.23 feet to a found iron rod, THENCE continuing along the lands now or formerly of Shatzer, South 27 degrees 0 minutes 32 seconds West 150.00 feet to a found iron rod, THENCE continuing along the lands now or formerly of Shatzer, North 62 degrees 59 minutes 24 seconds West 216.07 feet to a found iron rod, said found iron rod being on the easterly line of Hollyville Road, THENCE along easterly line of Hollyville Road with a curve to the right having an arc distance of 337.29 feet, radius of 6,252.00 feet, and a chord bearing and distance of North 30 degrees, 20 minutes 56 seconds East 337.24 feet to an unmarked point, THENCE along easterly line of Hollyville Road, North 31 degrees 53 minutes 40 seconds East 109.10 feet to a found concrete monument, said found concrete monument being the southwesterly corner of lands now of formerly of Warren G. Jackson and Grace M. Jackson, THENCE continuing along the lands now or formerly of Jackson, South 63 degrees 1 minute 18 seconds East 1443.52 feet to a found iron pipe, found iron pipe being the southeasterly corner of the said lands of Jackson, THENCE continuing along the lands now or formerly of Jackson, North 18 degrees 10 minutes 53 seconds West 310.34 feet to an unmarked point in the center of Unity Branch, said unmarked point being a corner for the lands now or formerly of Franklin M. Ritter and Irvin W. Ritter, THENCE continuing along the said lands of Ritter, North 74 degrees 23 minutes 19 seconds East 418.42 feet to a found concrete monument, passing through a found iron pipe 18.4 feet from said unmarked point, THENCE continuing along the said lands of Ritter, South 19 degrees 34 minutes 33 seconds East 445.67 feet to an unmarked point in the center of Unity Branch, passing a found concrete monument 11.8 feet from said unmarked point, THENCE continuing along the lands of Ritter and center of Unity Branch the following twenty three courses: (1) South 77 degrees 7 minutes 35 seconds East 132.39 feet to an unmarked point, (2) South 40 degrees 8 minutes 26 seconds East 47.21 feet to an unmarked point, (3) North 80 degrees 37 minutes 39 seconds East 21.91 feet to an unmarked point, (4) South 65 degrees 16 minutes 37 seconds East 39.11 feet to an unmarked point, (5) South 28 degrees 27 minutes 39 seconds East 30.85 feet to an unmarked point, (6) South 61 degrees 33 minutes 17 seconds East 38.20 feet to an unmarked point, (7) South 6 degrees 7 minutes 13 seconds East 50.72 feet to an unmarked point, (8) South 55 degrees 56 minutes 31 seconds East 45.64 feet to an unmarked point, (9) South 70 degrees 27 minutes 19 seconds East 60.41 feet to an unmarked point, (10) North 74 degrees 5 minutes 2 seconds East 94.95 feet to an unmarked point, (11) South 64 degrees 25 minutes 45 seconds East 70.34 feet to an unmarked point, (12) South 38 degrees 23 minutes 27 seconds East 47.69 feet to an unmarked point, (13) North 83 degrees 22 minutes 27 seconds East 82.28 feet to an unmarked point, (14) South 53

degrees 38 minutes 1 second East 59.42 feet to an unmarked point, (15) South 80 degrees 40 minutes 35 seconds East 87.79 feet to an unmarked point, (16) North 74 degrees 8 minutes 15 seconds East 80.55 feet to an unmarked point, (17) North 85 degrees 25 minutes 19 seconds East 95.32 feet to an unmarked point, (18) North 42 degrees 19 minutes 12 seconds East 68.23 feet to an unmarked point, (19) North 84 degrees 23 minutes 22 seconds East 44.89 feet to an unmarked point, (20) North 46 degrees 21 minutes 30 seconds East 98.03 feet to an unmarked point, (21) North 53 degrees 20 minutes 40 seconds East 269.41 feet to an unmarked point, (22) North 84 degrees 21 minutes 57 seconds East 66.74 feet to an unmarked point, (23) South 87 degrees 52 minutes 17 seconds East 61.95 feet to an unmarked point, said unmarked point being a corner of the lands now or formerly of Delaware Solid Waste Authority, THENCE continuing along the lands of Delaware Solid Waste Authority and center of Unity Branch the following three courses; (1) South 56 degrees 56 minutes 15 seconds East 26.38 feet to an unmarked point, (2) North 70 degrees 44 minutes 21 seconds East 33.45 feet to an unmarked point, (3) South 61 degrees 52 minutes 23 seconds East 41.32 feet to an unmarked point, said unmarked point being a corner of the lands now or formerly of Sussex Group Partners, LLC, THENCE continuing along the lands of Sussex Group Partners LLC, South 11 degrees 24 minutes 41 seconds West 431.09 feet to a found concrete monument at a corner of the lands now or formerly of Michael J. O'Donald, passing through a found concrete monument 11.5 feet from said unmarked point, THENCE continuing along the lands of O'Donald, South 74 degrees 19 minutes 11 seconds West 765.60 feet to a found iron pipe, THENCE continuing along with the lands of O'Donald, North 82 degrees 30 minutes 31 seconds West 38.30 feet to a found iron pipe at a corner of other lands now or formerly of Warren G. Jackson and Grace M. Jackson, THENCE continuing along the other lands of Jackson, North 77 degrees 18 minutes 1 second West 1,339.92 feet to a found iron rod, THENCE continuing along the other lands of Jackson, South 26 degrees 57 minutes 0 seconds West 228.08 feet to an unmarked point, THENCE continuing along the other lands now or formerly of Jackson, North 63 degrees 01 minute 57 seconds West 1,476.13 feet to the point and place of beginning, containing 42.518 acres of land, more or less.

As to parcel 2-34 16.00 1.01

ALL THAT CERTAIN lot or parcel of land lying and being situate in the Indian River Hundred, Sussex County, Delaware, on the easterly side of Hollyville Road, also known as State Route No. 48, as depicted on a recent Boundary Line Adjustment Plan prepared by Russell T. Hammond Surveying, LLC, dated June 11, 2019 and recorded October 1, 2019 in the Office of the Recorder of Deeds in and for Sussex County in Plot Book 292, Page 51, being more particularly described as follows, to wit:

BEGINNING for this description at a found concrete monument at the southwesterly most corner of the lands herein described, being on the easterly line of Hollyville Road, THENCE North 20 degrees 20 minutes 46 seconds East 67.86 feet to an unmarked point, THENCE continuing along easterly line of Hollyville Road with a curve to the right having an arc distance of 263.78 feet, radius of 6,252.00 feet, and a chord

bearing and distance of North 21 degrees 33 minutes 17 seconds East 263.76 feet to a set iron rod, said set iron rod being the southwesterly corner of other lands now of formerly of Warren G. and Grace M. Jackson, THENCE continuing along other lands of Jackson, South 67 degrees 15 minutes 14 seconds East 225.12 feet to a found iron pipe, THENCE continuing along other lands of Jackson, North 23 degrees 26 minutes 35 seconds East 146.63 feet to a found iron pipe, said iron pipe being a corner for the lands now or formerly of Earl B. and Amy Ferguson, THENCE continuing along the lands now or formerly of Ferguson, North 21 degrees, 45 minutes 2 seconds East 146.21 feet to a found iron pipe, said iron pipe being a corner for the lands now or formerly of Dennis L. and Amy E. Morris, THENCE continuing along the lands now or formerly of Morris, North 26 degrees 57 minutes 4 seconds East 150.00 feet to a found iron pipe, THENCE continuing along the lands now or formerly of Morris, North 63 degrees 2 minutes 56 seconds West 219.00 feet to a found iron pipe, said iron pipe being on the easterly line of Hollyville Road, THENCE along easterly line of Hollyville Road with a curve to the right having an arc distance of 25.00 feet, radius of 6,252.00 feet, and a chord bearing and distance of North 27 degrees 5 minutes 0 seconds East 25.00 feet to a found concrete monument, said found concrete monument being the southwesterly corner for the lands now or formerly of Warren Layton Jackson and Gary Steven Jackson, THENCE continuing along the lands now or formerly of Jackson the following three courses, (1) South 63 degrees 1 minute 57 seconds East 1,476.13 feet to an unmarked point, (2) North 26 degrees 57 minutes 0 seconds East 222.08 feet to a found iron rod, (3) South 77 degrees 18 minutes 1 second East 1,339.92 feet to a found iron pipe, said iron pipe being at a corner of the lands now or formerly of Michael J. O'Donald, THENCE continuing along the lands now or formerly of O'Donald the following five courses, (1) South 71 degrees 56 minutes 7 seconds West 395.97 feet to a found iron pipe, (2) South 79 degrees 40 minutes 23 seconds West 295.72 feet to a found iron pipe, (3) 61 degrees 46 minutes 58 seconds West 261.97 feet to a found pipe, (4) North 78 degrees 13 minutes 13 seconds West 656.71 feet to a found iron pipe, (5) South 1 degree 54 minutes 53 seconds West 125.69 feet to an iron rod set, said iron rod set at a corner for the lands now or formerly of Andrew L. and Mary H. Purnell, THENCE continuing along the lands now or formerly of Purnell, North 78 degrees 34 minutes 7 seconds West 1,536.09 feet to the point and place of beginning, containing 29.543 acres of land, more or less.

This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

BEING the same lands conveyed to Keith A. Coffin and Shirley J. Coffin from Warren L. Jackson, Gary Steven Jackson, Warren Gary Jackson and Grace Millicent Jackson, by Deed dated September 30, 2019, recorded in the Office of the Recorder of

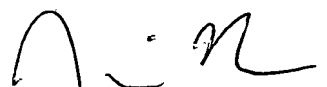
Deeds in and for Sussex County, Delaware, on October 2, 2019, in Deed Book 5131, Page 1. (As to 2-34 16.00 1.02 & p/o 2-34 10.00 199.00)

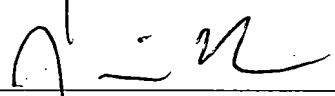
BEING the same lands conveyed to Keith A. Coffin and Shirley J. Coffin from Warren L. Jackson and Grace M. Jackson, by Deed dated September 30, 2019, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on October 2, 2019, in Deed Book 5131, Page 5. (As to 2-34 16.00 1.01)


SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

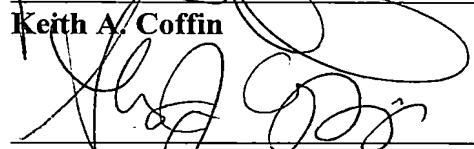
IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of:







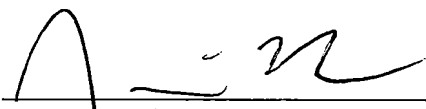
Keith A. Coffin


Shelley J. Coffin

STATE OF MARYLAND, COUNTY OF Sussex: to-wit

BE IT REMEMBERED, that on December 16th, 2019, personally came before me, the subscriber, Keith A. Coffin and Shelley J. Coffin, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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



Notary Public

My Commission Expires: 12/1/20

JAMIE C. KING
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A) 3

TURNBERRY

HOLLYVILLE ROAD

WOOD
HAVEN

WELSH
RUN

WETHERBY

HARMONS HILL ROAD

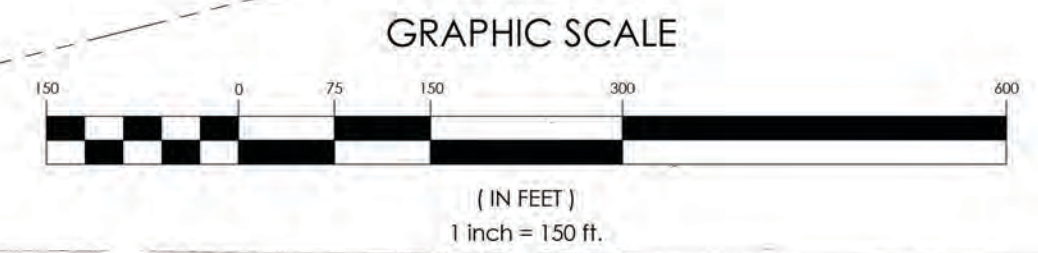
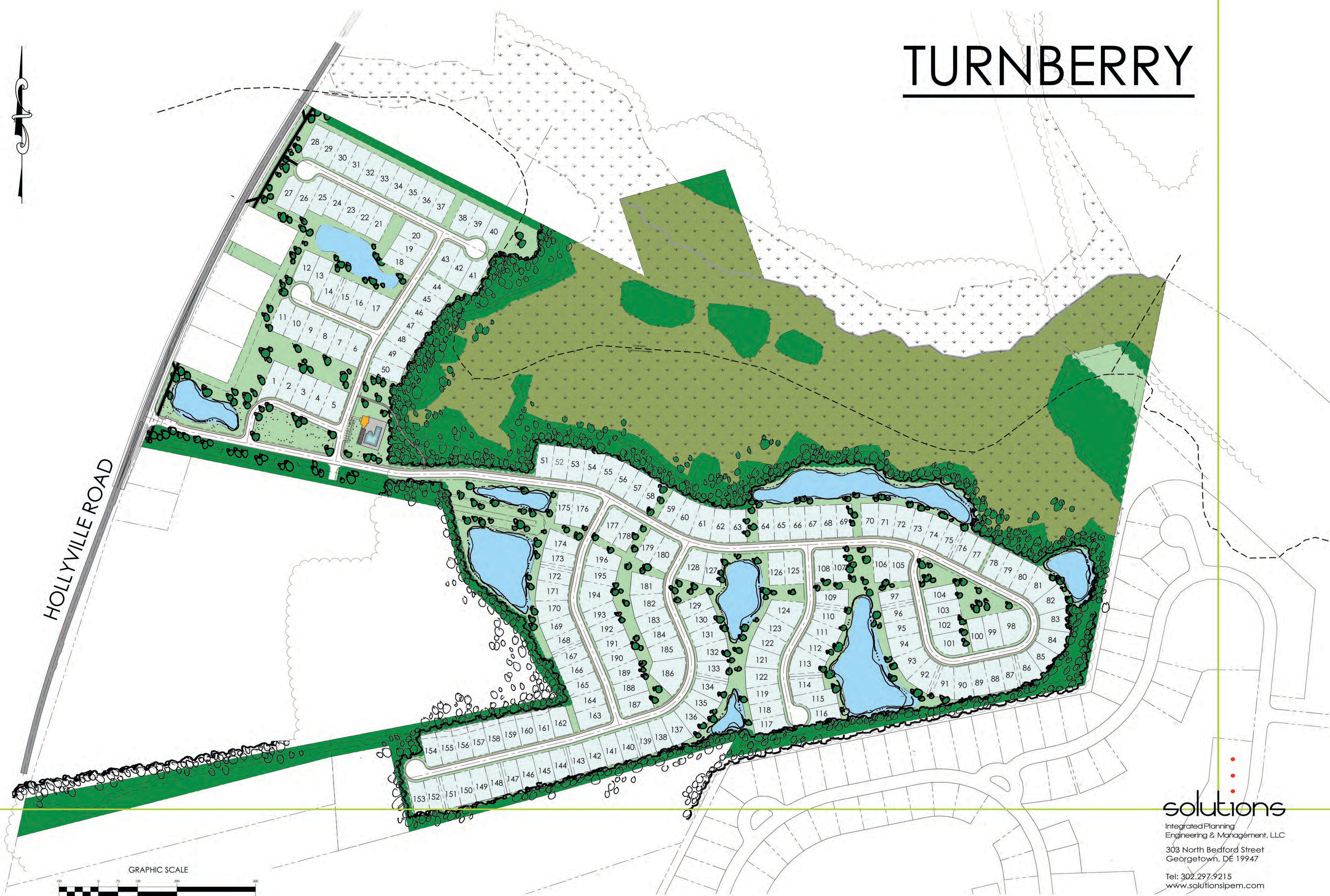
INDEPENDENCE

RT 5

STONEWATER
CREEK

PELICAN
POINT

TURNBERRY



TAX MAP #: 2-34 16.00 5.00
PREPARED BY & RETURN TO:
Tunnell & Raysor, P.A.
770 Kings Highway
Lewes, DE 19958
File No. HD23479/KJM

THIS DEED, made this 16th day of December, 2019,

- BETWEEN -

PAUL S. MAY, of 15536 Liberty Road, Mount Airy, MD 21771, party of the first part,

- AND -

UNITY BRANCH HOLDINGS LLC, a Delaware limited liability company of 20184 Phillips Street, Rehoboth Beach, DE 19971, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece, and parcel of land lying and being situate in Indian River Hundred, Sussex County, State of Delaware, and designated as 26.7120 acres +/- as shown on a plot entitled "LANDS OF COUNTRY TRAILS LAND COMPANY" prepared by Miller-Lewis, Inc. Land Surveyors, recorded the 16th day of December, 1996 or record in the Office of the Recorder of Deeds in and for Sussex County in Plot Book 57, page 342, more particularly described as follows, to wit:

BEGINNING at a concrete monument found in the easterly right-of-way of Sussex County Road #48 (60 foot R/W), said concrete monument being a common corner for this lot and lands now or formerly of James O. & Delores P. Handy; thence running by

and with said Handy lands and other Lands now or formerly of Country Trails Land Company, North 85 degrees 8 minutes 32 second East 4189.55 feet to a pipe set; thence turning and running South 17 degrees 24 minutes 27 seconds West 363.00 feet to a concrete monument found; thence turning and running by and with lands now or formerly of Otis H. Smith, lands now or formerly of Lester A. & Faith J. Lynch and lands now or formerly of Paul and Janet P. Oliva the following four (4) courses and distances: (1) South 84 degrees 29 minutes 23 seconds West 1403.58 feet to a cedar post found by concrete monument, (2) North 34 degrees 1 minute and 1 second East 74.33 feet to a pipe found, (3) South 79 degrees 57 minutes 45 seconds West 772.42 feet to a pipe found, and (4) South 81 degrees 2 minutes 47 seconds West 792.48 feet to a point, said point being a common corner for this lot and 5.3298 acres +/- parcel shown on said plot; thence turning and running South 01 degree 59 minutes 55 seconds West 360.00 feet to a point, said point being a common corner for this lot and 5.1123 acres +/- parcel shown on said plot; thence turning and running South 81 degrees 40 minutes 9 seconds West 1239.39 feet to a point located on the easterly right-of-way of said Sussex County Road #48 (60 foot R/W); thence turning and running by and with said right-of-way, North 18 degrees 10 minutes 24 seconds East 150.00 feet home to the point and place of Beginning said to contain 26.7120 Acres of land more or less.

FURTHER SUBJECT TO, a 20 foot wide Easement for the sole purpose of ingress to and egress from a 36.80015 acre parcel owned by Country Trails Land Co., further described as Tax Parcel No. 2-34-16.00-4.00, for Country Trails Land Company its successors and/or assigns which shall run with the land as shown on plot of record in the Office of the Recorded of Deeds in and for Sussex County in Plot Book 57, page 342, the centerline of said 20 foot wide Easement being more particularly described as follows, to wit:

BEGINNING at a point found South 18 degrees 10 minutes 24 seconds West a distance of 10.87 feet from the southwesterly corner of lands of James O. and Delores P. Handy; thence South 73 degrees 32 minutes 10 seconds East a distance of 180.80 feet; South 81 degrees 21 minutes 16 seconds East a distance of 86.65 feet; North 68 degrees 49 minutes 8 seconds East a distance of 26.62 feet; North 40 degrees 50 minutes 15 seconds East a distance of 44.48 feet. North 73 degrees 55 minutes 42 seconds East a distance of 92.26 feet; North 82 degrees 10 minutes 33 seconds East a distance of 353.46 feet; North 89 degrees 11 minutes 39 seconds East a distance of 108.40 feet; North 76 degrees 35 minutes 4 seconds East a distance of 42.77 feet; South 84 degrees 47 minutes 14 seconds East a distance of 49.91 feet; North 82 degrees 24 minutes 8 seconds East a distance of 73.19 feet; North 89 degrees 42 minutes 39 seconds East a distance of 49.73 feet; North 83 degrees 57 minutes 36 seconds East a distance of 121.19 feet; North 87 degrees 0 minutes 11 seconds East a distance of 161.48 feet; North 83 degrees 36 minutes 53 seconds East a distance of 80.67 feet; South 79 degrees 46 minutes 16 seconds East a distance of 57.42 feet; South 89 degrees 18 minutes 19 seconds East a distance of 174.08 feet; North 79 degrees 51 minutes 10 seconds East a distance of 188.77 feet; North 85 degrees 4 minutes 37 seconds East a distance of 150.57 feet; North 61 degrees 23 minutes 50 seconds East a distance of 115.42 to a point on the property line.

Party of the second part, his heirs and assigns, shall be jointly responsible for one-half (1/2) of the cost of maintaining the aforesaid easement for mutual use with the owner of the aforesaid 36.8005 acre parcel adjoining this parcel.

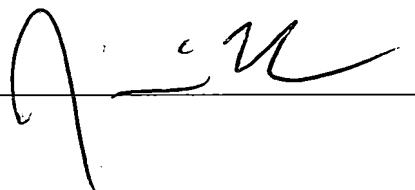
This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.


BEING the same lands conveyed to Paul S. May from Country Trails Land Co., by Deed dated April 21, 1997, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on April 21, 1997, in Deed Book 2195, Page 348.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

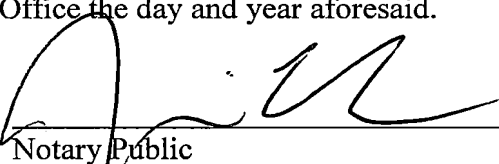



_____(SEAL)
Paul S. May

STATE OF SUSSEX, COUNTY OF Sussex: to-wit

BE IT REMEMBERED, that on December 16th, 2019, personally came before me, the subscriber, Paul S. May, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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



Notary Public

My Commission Expires: _____

JAMIE C. KING
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A) 3

TAX MAP #: 2-34 16.00 4.00
PREPARED BY & RETURN TO:
Tunnell & Raysor, P.A.
770 Kings Highway
Lewes, DE 19958
File No. HD23478/KJM

THIS DEED, made this 12th day of December 2019,

- BETWEEN -

MICHAEL J. O'DONALD, of 71 White Bark Drive, Middletown, DE 19709,
party of the first part,

- AND -

UNITY BRANCH HOLDINGS LLC, a Delaware limited liability company, of
20184 Phillips Street, Rehoboth Beach, Delaware, 199, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece, and parcel of land lying and being situate in Indian River Hundred, Sussex County, State of Delaware, and designated as 36.8005 acres +/- as shown on a plot entitled "LANDS OF COUNTRY TRAILS LAND COMPANY, prepared by Miller-Lewis, Inc. Land Surveyors, recorded the 29th day of April, 1977 of record in the Office of the Recorder of Deeds in and for Sussex County in Plot Book 58, page 378, more particularly described as follows, to wit:

BEGINNING at a pipe set, said pipe set being a common corner for lands now or formerly of James O. & Delores P. Handy and lying on the boundary line of

26.7120 Acre parcel now or formerly of Country Trails Land Co, located 2065.42 feet East of Sussex County Road 48; thence running by and with said lands now or formerly of James O. & Delores P. Handy the following four (4) courses and distances: (1) North 29 degrees 52 minutes 20 seconds West 137.18 feet to a pipe set, (2) North 17 degrees 1 minute 20 seconds West 122.01 feet to a pipe set, (3) North 40 degrees 16 minutes 20 seconds West 322.51 feet to a pipe set, (4) North 9 degrees 16 minutes 27 seconds West 284.95 feet to a pipe set; thence turning and running by and with a 20 foot perpetual right-of-way across Handy Lands, South 72 degrees 34 minutes 21 seconds East 362.88 feet to a pipe set; thence turning and running by and with lands now or formerly of Warren G. & Grace M. Jackson, North 7 degrees 52 minutes 28 seconds East 145.99 feet to a pipe set; thence turning and running by and with lands now or formerly of Warren G. Jackson and Marilyn J. Jackson the following six (6) courses and distances: (1) South 72 degrees 13 minutes 58 seconds East 656.70 feet to a pipe set; (2) North 67 degrees 46 minutes 02 seconds East 262.02 feet to a pipe set; (3) North 85 degrees 38 minutes 32 seconds East 295.68 feet to a pipe set, (4) North 77 degrees 53 minutes 32 seconds East 396.00 to a pipe set, (5) South 76 degrees 28 minutes 58 seconds East 38.25 feet to a pipe set, (6) North 80 degrees 16 minutes and 00 seconds East 765.78 feet to a concrete monument found; thence turning and running by and with lands now or formerly of Otis H. Smith, South 17 degrees 24 minutes 27 seconds West 779.46 feet to a pipe set; thence turning and running, South 85 degrees 8 minutes 32 seconds West 2124.13 feet home to the point and place of beginning said to contained 36.8005 acres more or less.

TOGETHER WITH a 20 foot wide Easement for the sole purpose of ingress to and egress from this parcel which shall run with this land as shown on plot of record in the Office of the Recorder of Deeds in and for Sussex County in Plot Book 57, page 342, the centerline of said 20 feet wide. Easement being more particularly described as follows, to wit:

BEGINNING at a point found South 18 degrees 10 minutes 24 seconds West a distance of 10.87 feet from the southwesterly corner of lands of James O. and Delores P. Handy, thence South 73 degrees 32 minutes 10 seconds East a distance of 180.80 feet; South 81 degrees 21 minutes 16 seconds East a distance of 86.65 feet; North 68 degrees 49 minutes 8 seconds East a distance of 26.62 feet; North 40 degrees 50 minutes 15 seconds East a distance of 44.48 feet; North 73 degrees 55 minutes 42 seconds East a distance of 92.26 feet; North 82 degrees 10 minutes 33 seconds East a distance of 353.46 feet; North 89 degrees 11 minutes 39 seconds East a distance of 108.40 feet; North 76 degrees 35 minutes and 4 seconds East a distance of 42.77 feet; South 84 degrees 47 minutes 14 seconds East a distance of 49.91 feet; North 82 degrees 24 minutes and 8 seconds East a distance of 73.19 feet; North 89 degrees 42 minutes 39 seconds East a distance of 49.73 feet; North 83 degrees 57 minutes 36 seconds East a distance of 121.19 feet; North 87 degrees 0 minutes 11 seconds East a distance of 161.48 feet; North 83 degrees 36 minutes 53 seconds East a distance of 80.67 feet; South 79 degrees 46 minutes 16 seconds East a distance of 57.42 feet; South 89 degrees 18 minutes 19 seconds East a distance of 174.08 feet; North 79 degrees 51 minutes 10 seconds East a distance of 188.77 feet; North 85 degrees 4 minutes 37 seconds East a distance of 150.57 feet; North

61 degrees 23 minutes 50 seconds East a distance of 115.42 feet to a point on the property line.

Party of the second part, his heirs and assigns, shall be jointly responsible for one-half (1/2) of the cost of maintaining the aforesaid easement for mutual use with the owner of 26.7120 acre parcel adjoining this parcel.


This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

BEING the same lands conveyed to Michael J. O'Donald from Country Trails Land Co, a Delaware Corporation, by Deed dated April 25, 1997, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on April 29, 1997, in Deed Book 2197, Page 288.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

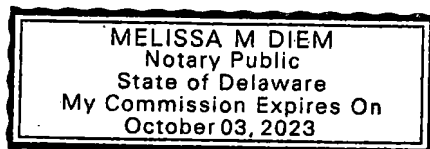
Signed, Sealed and Delivered
in the presence of:

 (SEAL)
Michael J. O'Donald

STATE OF DELAWARE, COUNTY OF NEW CASTLE : to-wit

BE IT REMEMBERED, that on December 12, 2019, personally came before me, the subscriber, Michael J. O'Donald, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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




Notary Public

My Commission Expires: 10/03/2023

Turnberry

Project Reference Material AR-1 Cluster



December 2021



APPLICANT/DEVELOPER:

Unity Branch Holdings, LLC

Contact: Tim Green
20184 Phillips Street
Rehoboth Beach, DE 19971
Telephone: 302.226.1994
Email: tgreen@schellbrothers.com

**CIVIL ENGINEER/
LAND PLANNER**

Solutions IPEM LLC

Contact: Jason Palkewicz, PE
303 North Bedford Street
Georgetown, DE 19947
Telephone: 302.297.9215
Email: jpalkewicz@solutionsipem.com

ENVIRONMENTAL

Environmental Resources, Inc

Contact: Edward M. Launay, Professional Wetland Scientist
38173 DuPont Boulevard
Selbyville, DE 19975
Telephone: 302.436.9637
Email: elaunay@ericonsultants.com

ATTORNEY:

Baird Mandalas Brockstedt, LLC

Contact: Mackenzie M Peet, Esq
1413 Savannah Road, Suite 1
Lewes, DE 19958
Telephone: 302.645.2262
Email: mackenzie@bmbde.com

TRAFFIC CONSULTANT:

The Traffic Group, Inc

Contact: Betty Tustin, PE, PTOE
104 Kenwood Court
Berlin, MD 21811
Telephone: 443.290.4060
Email: btustin@trafficgroup.com

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Resumes:

Jason Palkewicz, PE



I. Executive Summary

Turnberry is a proposed 135.5-acre Cluster Subdivision composed of 195 single-family detached homes on individual lots. The site is located on the West side of Hollyville Road adjacent to the existing Independence residential community. The land is currently zoned AR-1 Agricultural Residential.

Turnberry is located within Investment Level 4 of the State Strategies for Policies and Spending Map.

The proposed community provides 195 single-family homes on roads within private rights-of-way with curb and gutter and sidewalk on one side, streetlights and preserved wooded and wetland areas. The project contains a total of 88 +/- acres (65%) of interconnected open space.

A centrally located recreation facility is provided which includes a pool and bathhouse. Two trails connect the sidewalks to the proposed DelDOT multi-modal path. A school bus stop and central mail facility will also be provided.

Proposed Density and Calculations:

Allowable Homes Calculation (AR-1 Cluster):

2.0 homes/acre

$135.5 \times 2.0 = 270$ homes

Proposed Homes:

195 Homes

Actual Density:

$195 / 135.5 = 1.44$ homes/acre

In conclusion, the proposed community has been thoughtfully planned to achieve a superior living environment for future residents. This plan provides appealing amenities that will result in sustainable property values with neutral to positive impacts on property values in nearby neighborhoods while promoting the health, safety, and welfare of the citizens of Sussex County.

II. Project Overview

A. Boundary Plat, Topographic & Non-Tidal Wetlands Survey

A boundary topographic survey for the property was prepared by Solutions IPEM, LLC. The total area of the property is 135.5 +/- acres. Wetlands areas were flagged and field located as part of the survey.

B. Overview of Current Site Conditions

The property for the proposed Turnberry community is located West of Hollyville Road, adjacent to the Independence community. The proposed development is in the vicinity of the residential communities of Independence, Welsh Run, Wetherby, Pelican Point, Woodridge, Falcon Crest, and Stonewater Creek.

Areas that should be preserved were determined to be non-tidal wetlands, areas along Turnberry Branch as well as the woods adjacent to and within the non-tidal wetlands.

The property is located within flood Zone X, (areas determined to be outside the 0.2% annual chance floodplain), and Zone A, (special flood hazard areas subject to inundation by the 1% annual chance flood) per map number 10005C Panel 0340K, map revised March 16, 2015. The site is located within areas of fair groundwater recharge potential.

A soils report was prepared by GTA. Areas outside of the wetlands contain primarily Class A soils, with some Class A/D. The site is suitable for development including infrastructure, home construction and stormwater management.

C. Land Plan and Amenities

The land plan considers:

- Existing site conditions
 - Non-Tidal Wetlands
 - Forest Land
 - Existing Grades
 - Unity Branch
 - Flood Zones
- Stormwater outfalls
- Adjacent communities
- Existing roadways
- Current housing trends
- Recreational needs

The resultant plan has:

- A 30' landscaped buffer (partially existing woods).
- Proposed lots are more than 40' from the perimeter of the site.
- The lots are a minimum of 50' from the non-tidal wetlands.
- Sidewalks one side of the road along with an anticipated trail connecting to the proposed DeIDOT multi-modal path.
- A 50' buffer from Unity Branch.
- Main recreation facility including:

- Pool
- Bathhouse
- Streetlights.
- Community mailbox cluster.
- School bus stop.
- An efficient stormwater management system that acts as an amenity.
- Large tracks of open space
 - Open Space Required (30%) = 40.65 acres
 - Contiguous Open Space Required (30% of Required Open Space) = 13.09 acres
 - Contiguous Open Space Provided = 78 acres

D. DeIDOT Improvements

A series of discussions were held with DeIDOT officials concerning area roadway improvements related to Hollyville Road specifically about off-site transportation improvements and frontage improvements. A Traffic Operational Analysis (TOA) was prepared by Traffic Group. Entrance improvements are anticipated to include turn lanes into the development.

E. Preliminary Land Use Service (PLUS)

A concept plan for Turnberry was presented to PLUS on September 23, 2020. A response letter was provided to PLUS which addressed their comments point by point.

F. Sanitary Sewer Planning Area

The Turnberry community is anticipated to be served by Artesian. The site is located within the Sussex County Tier 3 – Coordinated CPCN Area.

III. Compliance with Applicable Regulations

A. Compliance with AR-1 (Agricultural Residential District)

The project is located within the AR-1 zone. The site is being developed with residential lots lines within the AR-1 zone and will meet the requirements of the AR-1 Cluster as existed at the time of application.

The proposed land use is in conformity with the Zoning Ordinance which allows 2.0 dwelling units per acre based on the gross site area.

Purpose: Turnberry conforms with the purpose of the AR-1 code in as much as it is a low-density residential community that protects water resources, watersheds, forest area and scenic views. Specific design elements include:

- Recreation facilities including a pool and bathhouse are provided.
- Sidewalks and a connection to the multi modal path are provided.
- No wetlands are impacted.
- There are no wellhead protection areas on the property.
- The site is within the fair groundwater recharge area.
- A walking trail.

Permitted Uses: The AR-1 allows the proposed single-family cluster development.

Permitted Accessory Uses: The zoning allows outdoor amenities for use of occupants and their guests.

Conditional Uses: Turnberry is not applying for any conditional uses.

Special Use Exceptions: Turnberry is not applying for any special use exceptions.

Permitted Signs: All proposed development signage will conform to the regulations provided in 115-159.2.

Height, Area and Bulk Requirements: The height, area and bulk requirements are set forth in the AR-1 District. The following is a summary of the lot dimensions and setbacks for Turnberry, all of which are in conformity with County requirements:

Single Family Lots -

- Minimum Lot Area = 7,500 S.F.
- Minimum Lot Width = 60'
- Front Yard = 25' (15' Corner Lot)
- Side Yard = 10'
- Rear Yard = 10'
- Maximum Building Height = 42'

B. Statement of Compliance with Chapter 115-25, E. Design Requirements for Cluster Development

(1) All development shall be in accordance with the latest amendment to the community design standards. The proposed cluster subdivision complies with the Community Design section of the County's comprehensive plan.

(2) Housing types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance. Only single-family detached home types are proposed within the cluster subdivision.

(3) A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area. A 30' buffer is provided to the adjacent properties. Homes are further than 50' away from agricultural uses.

(4) Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity. No proposed lots are within 40' of the outbounds of the project. A 30' buffer is provided.

(5) No lots shall have direct access to any state-maintained roads. No proposed lots have access to state-maintained roads.

(6) All lots shall be configured to be contained completely outside of all wetlands. The proposed lots are not located within wetlands.

(7) Any development using the option in Subsection B(2) shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § 115-194A of the Sussex County Zoning Ordinance. The proposed community will be served by both central water and wastewater systems.

C. Statement of Compliance with Chapter 115-25, F. (3) Planning and Zoning Requirements

(a) [1] The proposed lots and amenities are located within the environmentally suitable portions of the site. Specifically, wetlands and waterways are avoided. Clearing of the woods will be limited to the amount required to develop the project.

(a) [3] The open space meets the requirements of the County Code. The required open space (30% of site) is 40.65 acres, 88 acres have been provided. Of the required open space (40.65 acres), 30% (13.09 acres) is required to be on one contiguous tract of land (separated by water and up to one street). The project provided 78 acres of contiguous open space. The open space tract is located along the wetlands and waterway. The sidewalk system is proposed to be connect to the DelDOT multi-modal system.

(a) [4] A minimum 25' buffer is provided around the existing non-tidal wetlands as well as a 50' buffer to the branch.

(a) [5] Stormwater management shall be provided per DNREC and Sussex Conservation District. Recharge or structurally equivalent BMPs shall be provided.

(a) [6] Tree removal shall be limited to necessary to construct the project.

(a) [7] Scenic views to waterway, wetland and wooded areas are preserved for the homeowners and passersby by limiting back-to-back lots and providing gaps between lots.

(a) [8] The land plan preserved natural facilities (wetlands, waterways, woods) and includes sidewalks and connections to DelDOT's multi-modal path. Open space adjacent to natural features has been prioritized. Existing grades and drainage area are considered in the lot layout.

(a) [9] Sidewalks are provided on one side of each street.

(b) Natural and historic features are preserved as part of the land plan.

(c) Section 99-9C items are addressed herein.

(d) The cluster subdivision is not located within a designated growth area.

D. Statement of Compliance with Chapter 99, Sussex County Subdivision of Land

Chapter 99-9 (C)

The proposed development plan has taken into consideration all items listed within the Subdivision of Land – Chapter 99, Section C within the Sussex County Code and complies with it in the following manner:

1. *"Integration of the proposed subdivision into existing terrain and surrounding landscape."*

- a. The Developer has taken great effort to utilize the additional land as open space. The proposed location of storm water management facilities was also based on extensive soils borings and a soil report.
- b. Forested non-tidal wetlands have been preserved.
- c. A minimum 30' landscaped buffer has been provided adjacent to all surrounding property lines.
- d. The proposed lots within the community are a minimum of 40' from the outbounds of the property.

2. *"Minimal use of wetlands and floodplains."*

- a. A minimum of 50' is provided between the proposed lots and wetlands.
- b. The proposed lots are located within flood Zone X (unshaded), areas determined to be outside the 0.2% annual chance floodplain.

3. *"Preservation of natural and historic features."*

- a. There are no known historic sites.
- b. The roadway system, stormwater features and lots were designed in such a way to minimize impacts/disturbance of steep slopes.

4. *"Preservation of open space and scenic views."*

- a. Large tracts of open space are being persevered including wooded areas, wetlands, buffers and flood zone.
- b. Views of the existing wooded wetlands are preserved and are viewable from the lots and through open space adjacent to the roadways.

5. *"Minimization of tree, vegetation, and soil removal and grade changes."*

- a. Disturbance to the site will be limited to only those areas required for homes, roads, storm water management and utility installation. All undisturbed vegetation that is compatible with native vegetation shall remain.
- b. Grade changes to the site shall be limited to those necessary to provide positive drainage and proper cover over utilities.

6. *"Screening of objectionable features from neighboring properties and roadways."*

- a. Screening of objectionable features on the site from adjacent properties and roadways shall be provided utilizing the required 30' landscaped buffer around the perimeter of the site or existing forested areas and storm water management facilities where those exist.
- b. The proposed lots within the community are a minimum of 40' from the outbounds of the property.

7. *"Provision for water supply."*

- a. Artesian will provide potable water and fire protection for the development.

8. *"Provision for sewage disposal."*

- a. The Turnberry community wastewater service is intended to be provided by Artesian.

9. *"Provision for solid waste disposal."*

- a. Arrangements will be made with a commercial trash hauler to provide trash collection for Turnberry.

10. *"Prevention of surface and groundwater pollution."*

- a. All runoff from the Turnberry site will be directed via the closed road section and storm drain network into a storm water management system consisting of Best Management Practices (BMP) for treatment and discharge. The storm water management facilities will be designed in accordance with Delaware and Sussex County standards.
- b. Ultimately, through post-development design, runoff will receive better treatment than during pre-development conditions. The project will meet the current storm water management regulations as required by DNREC.

11. *“Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.”*

- a. As stated above, stormwater management quality and quantity will be provided by a storm water management system consisting of Best Management Practices (BMP) for treatment and discharge. The BMP’s will be designed per Delaware and Sussex County standards. The stormwater collection/treatment system will be adequately sized to prevent flooding.
- b. Erosion and sediment control will be provided by methods approved by the Sussex Conservation District. An erosion and sediment control plan will be prepared and submitted for review.

12. *“Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.”*

- a. Entrance to the site shall be designed per current DelDOT standards.
- b. To promote pedestrian traffic within the development, 5’ sidewalks are provided along one side of the road.
- c. All roads will be designed in accordance with Sussex County standards.

13. *“Effect on area property values.”*

- a. It is expected that the proposed Turnberry community will cause current property values to remain the same if not increase the value of the properties in the area. Great attention has been paid to the detail and aesthetic qualities of the plan, the livability of the community and amenities provided.

14. *“Preservation and conservation of farmland.”*

- a. The proposed subdivision will not adversely affect adjacent farmland due to landscaped buffers and other natural wooded areas and wetland that separate the community from farmland.

15. *“Effect on schools, public buildings, and community facilities.”*

- a. Turnberry will have no adverse effect on schools, public buildings, and community facilities as demonstrated by the PLUS comments.
- b. Community amenities will include a pool and bathhouse. In addition, Turnberry includes several open space areas for other active and passive uses.

16. "Effect on area roadways and public transportation."

- a. A series of discussions were held with DelDOT officials concerning area roadway improvements related to Turnberry specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include turn lanes into the property.

17. "Compatibility with Other Land Uses."

- a. The project is near to other residential communities of The proposed development is in the vicinity of the residential communities of Independence, Welsh Run, Wetherby, Pelican Point, Woodridge, Falcon Crest, and Stonewater Creek, thus being compatible in density, home style and land use.

18. "Effect on Area Waterways."

- a. Runoff will be treated for water quality and quantity prior to discharge.

E. Statement of Conformity with Sussex County, Delaware, Comprehensive Plan Update, March 2019

Chapter 4 Future Land Use:

The site is located within the Low-Density Area and complies as follows:

- The proposed land plan addresses environmental concerns.
 - o Greater than 20% of the site is set aside as open space.
 - o 30' perimeter landscape buffer.
- Single-family homes are permitted.
- The proposed density of 1.34 du/ac is in compliance with the 2 du/ac as appropriate in this location.
- Central water and sewer will be available to the site.

Chapter 5 Conservation:

The proposed community complies with the Conservation section as follows:

- The site complies with surface water runoff requirements.
- There are no well head protection areas nor excellent ground recharge areas within the proposed site.
- Wetlands will be preserved.
- No lots are proposed within the existing wetlands.
- The proposed lots are not located within flood zones.
- Central water and sewer will be available to the site.

Chapter 6 Recreation and Open Space:

The proposed community complies with the Recreation and Open Space section as follows:

- The site is located within Region 5 of the Delaware Statewide Comprehensive Outdoor Recreation Plan and provides the following:
 - o High Priorities:
 - Swimming pools
 - Walking/jogging paths (multi-modal)
 - Bike paths (multi-modal)
- In addition, the community provides:
 - o Sidewalks

Chapter 7 Utilities:

The proposed community complies with the Utilities section as follows:

- Water will be provided by Artesian who has the CPCN for the project.
- The Turnberry community wastewater service will be provided by Artesian.
- Adequate areas are provided for stormwater management and stormwater drainage.
- It is anticipated that solid waste collection will be by a licensed commercial hauler.

Chapter 8 Housing:

The proposed community complies with the Housing section as follows:

- The community is located West of the Lewes / Rehoboth Beach region and will provide housing for retirees as well as those working in the County.

Chapter 9 Economic Development:

The proposed community complies with the Economic Development section as follows:

- This development project will directly provide employment/opportunities in:
 - o Construction
 - o Professional, Business and IT Services
 - o Finance, Insurance and Real Estate
 - o Utilities
- The development will also indirectly provide job opportunities in:
 - o Leisure and Hospitality
 - o Education and Healthcare

Chapter 10 Historic Preservation:

The proposed community complies with the Historic Preservation section as follows:

- There are no known historic sites located on the site.

Chapter 12 Community Design:

The proposed community complies with the Community Design section as follows:

- The proposed community is a cluster subdivision, which is widely used in AR-1 zoning.
- Street lighting will be provided.
- Sidewalks are proposed on one side of the roadways.
- The lot sizes within the cluster make rear garages impossible and side loads very unlikely.
- The narrower right-of-way allows for homes to be placed closer to the road.
- The proposed homes will be limited to 42' in height.

- No variances to the required setbacks are proposed.
- Although no direct connection of walking trails or bicycle paths to the existing adjacent communities is possible, the community will connect to multi-modal paths within DelDOT's right-of-way.
- The entrance to the community will be landscaped.
- Cross walks will be provided.
- Landscape/forested buffers will be provided along the perimeter.
- Utilities are proposed to be underground.
- Street signage will be provided throughout the community.

Chapter 13 Mobility Element:

The proposed community complies with the Mobility Element section as follows:

- Entrance, roadway and off-site improvements necessitated by DelDOT will be designed and constructed per DelDOT standards.

IV. Conclusion

The proposed community of Turnberry will enhance the area with a well-planned design, upscale homes, amenities, and minimal negative impact on the land. The design preserves large amounts of open space while preserving attractive views within the community. The homes will have a neutral to positive impact on the value of the surrounding neighborhoods and will provide the County with additional tax revenue. Passive amenities include existing woodlands and wetlands on-site. Active amenities include pool and bathhouse as well as dedicated open spaces for other activities. The design also preserves and enhances existing views through non-disturbance and accentuates certain features of the existing terrain.

The proposed Community of Unity meets the standards set forth by the County and State and will provide a superior living environment for future residents without placing a burden on the County, State, or taxpayers to serve this community.



solutions

For more information,
 contact us at 1-800-368-3344

November 12, 2020

Mrs. Constance C. Holland, AICP, State Planning Director
Haslet Armory
122 Martin Luther King Jr. Blv. South
Dover, DE 19901

RE: PLUS review 2020-09-06; Unity Branch

Dear Mrs. Holland;

Please allow this letter to serve as our response to the PLUS review of the Unity Branch property. Answers to comments have been provided following each comment taken directly from your comment letter for ease of use. Our responses are in red and in different font for ease in review.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Response: The developer will comply with all Federal, State and local regulations regarding the development of this property. The developer will comply with any and all regulations/restrictions set forth by Sussex County.

Strategies for State Policies and Spending

This project represents a residential development within a Level 4 area according to the 2020 Strategies for State Policies and Spending. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New residential development activities are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed will bring a new residential development to an area where the State has no plans to invest in infrastructure upgrades or additional services. The intended development will need access to services and infrastructure such as police, and transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, and 100% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the 2020 *Strategies for State Policies and Spending*, the State does not support the development of this parcel.

With that said, **the comments in this letter are technical, and are not intended to suggest that the State supports this development. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property.**

Response: Understood.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Hollyville Road (Sussex Road 48) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,891 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates this number as 1,922 and estimates the weekday morning and evening peak hour trip ends at 143 and 193, respectively.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$19,220. AWS Fees are used to fund traffic studies, not to build improvements.

Preliminarily, DelDOT anticipates requiring the developer to make some or all of the following frontage and off-site improvements. DelDOT will develop an estimated trip distribution for the development and will meet with the applicant to discuss their findings as to which improvements will be required.

- Improve Hollyville Road, within the limits of the site frontage (see definition in Section 1.8 of the Manual) to meet DelDOT's Major Collector Road standards, which include 12-foot lanes and 8-foot shoulders.
- Provide a Traffic Operational Analysis (TOA) to evaluate sight distance and the need for turning lanes at the intersection of Hollyville Road and Hurdle Ditch Road (Sussex Road 290) and to improve the intersection based on the results of that TOA.
- Contribute toward a DelDOT intersection improvement project (HEP SC, SR 5 & Hurdle Ditch Road) at the intersection of Delaware Route 5, Hurdle Ditch Road and Cool Spring Road (also Sussex Road 290).
- Enter a signal agreement for the intersection of Delaware Route 5, Hollyville Road and Hollymount Road (also Sussex Road 48).
- Enter a signal agreement for the intersection of Delaware Route 5, Harmons Hill Road (Sussex Road 302) and Zoar Road (also Sussex Road 48)

- Contribute toward a planned roundabout at the intersection of Hollyville Road (Sussex Road 305 south of Zoar Road), Zoar Road (also Sussex Road 48) and Harmons Hill Road.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Hollyville Road. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 450 feet of the entrance on Hollyville Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is at DelDOT's discretion. DelDOT anticipates requiring the developer to build an SUP along their frontage on Hollyville Road. DelDOT recognizes that this requirement would yield several short segments of path.
- Section 3.5.4.4 of the Manual addresses requirements for accessways. Accessways are paths that connect subdivision streets to a sidewalk or SUP. DelDOT anticipates requiring accessways to the SUP along the site frontage from proposed cul-de-sacs near Lots 11, 26 and 152.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Hollyville Road.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Hollyville Road.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

Response: The developer will continue to coordinate with DelDOT regarding final frontage improvements, off-site improvements, final entrance locations, and cost sharing. Record and Entrance Plans will be submitted to DelDOT in accordance with the latest DelDOT regulations.

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

Concerns Identified Within the Development Footprint

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), the northern end of this parcel is situated within Special Flood Hazard Area, specifically within the 100-year floodplain (1% annual chance of flooding). Building is not proposed within the floodplain.

- The applicant must comply with local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://maps.dnrec.delaware.gov/floodplanning/default.html>.
- Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/Flooding.aspx>
- Locate proposed structures outside of the floodplain. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

Wetlands

Statewide Wetlands Mapping Project maps indicate the presence of federal wetlands on the site. Federal wetlands include non-tidal and freshwater wetlands. According to the application, a wetland delineation has been completed the U.S. Army Corps of Engineers has not approved the wetland delineation. A minimum of a 25-foot buffer has been proposed for the site, exceeding 150 feet in some areas, according to the preliminary site plans.

- If the project proposes to disturb (dredge or fill) federally regulated wetlands, a delineation of waterways and wetlands is required by the U.S. Army Corps of Engineers. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.
- For a list of consultants and engineers please visit the DNREC Wetlands and Subaqueous Lands Section link:
<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>
- Contact: U.S. Army Corps of Engineers (Dover Office) at DoverRegulatoryFieldOffice@usace.army.mil or (267) 240-5278. Website: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

Vegetated Buffer Zones

Vegetated buffer zones placed adjacent to waterways and wetlands help to improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Please note that vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.
- Incorporate a 100-foot vegetated buffer from the edge of wetlands and streams to protect water quality.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change. In general, grass cutting for vegetated buffer zones should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Delaware Ecological Network

Approximately 80% of this site (forested portion) is located within the Delaware Ecological Network, much of which is proposed to be removed. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate

stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.

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

Old Growth Forest

An analysis of historical data indicates that the forest area proposed to be developed has likely maintained some degree of forest cover since 1937. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife.
- If mature forests are found, these areas should be conserved to the maximum extent practicable.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Stormwater Management

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the Delaware Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed and approved prior to any land disturbing activity taking place on the site. This plan approval agency will vary, depending on the location of the project, or whether it is operated by a state agency or school district. The appropriate agency for this project is identified below.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Appropriate plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov. Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.
- Where site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce overall runoff including pollutant runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Hydric Soils

While most of the project lies within A soils (well drained), the northern portion of the site is comprised of A/D (somewhat poorly drained) and B/D (poorly drained) soils. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov. Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.

General Drainage Recommendations

This area was part of the Hopkins Prong Drainage Study for the Sussex Conservation District. This study revealed that the lower portion of the watershed has experienced flooding.

- All existing ditches on the property should be checked for function and cleaned, if needed, prior to the construction of homes. Wetland permits may be required before cleaning ditches.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a

drainage/utility easement should be spaced to allow for drainage maintenance at maturity.

- Contact: DNREC Drainage Program at (302) 855-1930.
Website: <http://www.dnrec.delaware.gov/swc/Drainage/Pages/TaxDitches.aspx>

Nutrient Management Plan

This project proposes open space exceeding 10 acres (specifically 90 acres proposed).

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

Wildlife Displacement

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (approximately 300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.
- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.
- Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

Mosquitoes

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of freshwater wetlands.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.
- Contact: DNREC Division of Fish and Wildlife at (302) 739-9917.
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

Wastewater Permitting – Large Systems

Artesian holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch.

- It is the responsibility of Artesian to notify the Large Systems Branch if the capacity of the rate of wastewater disposal is to be updated.
- Contact: DNREC Large Systems Branch at (302) 739-9948
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

Sustainable Practices

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.
- Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: www.de.gov/greenenergy, www.de.gov/eeif.
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Consider installing electric vehicle charging infrastructure to assist Delaware in achieving its clean transportation goals. The Division of Climate, Coastal, & Energy offers incentives for clean transportation (electric vehicle charging). These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality Website: www.de.gov/cleantransportation.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

Response: The developer will comply with all County and State requirements regarding wetlands, open space, flood zone, etc.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- The Delaware SHPO does not recommend or support development in level 4 areas
- Prehistoric potential is moderate to high. Well-drained soils, prime farmland, and well within favorable distance to a water source, Unity Branch (Beers, topos). Archaeological site on north side of parcel has both historic and prehistoric components. Recommend an archaeological survey.
- Historic archaeological potential is moderate. There is a farmstead there as early as 1918 (topo) but was not there in 1868 (Beers), but that may be just off of the parcel. Remains associated with the farmhouse could be possible, especially with the cemetery. Other than that, the parcel appears to have remained the same through historic times. Considering the cemetery, the Delaware SHPO is recommending caution and an archaeological survey.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Response: Noted.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

Fire Protection Water Requirements:

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.

- The infrastructure for fire protection water shall be provided, including the size of water mains.

Accessibility:

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout the subdivision.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads
- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler

protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website:

<http://delcode.delaware.gov/title6/c036/sc03/index.shtml>

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Response: The developer will comply with State Fire Marshal requirements.

Department of Agriculture – Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (DSWA District S-07-11-250 Parcel 234-10.00-15.00, 234-16.00-12.00). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300-foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is

expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Response: Noted.

Delaware Emergency Management Agency – Contact Philip Cane 659-2325

- Dependent on the exact location of the construction and the extent of the project (size of the subdivision), the location may or may not have parts within the 100-year flood plain. The location described is NOT immediately apparent within the 100-year flood plain.

- Please show text and hatching which clearly delineates the location of the 20-ft forested/landscape buffer around the perimeter of the site as per §99-5 of the Code. Please note that this buffer shall be at least 30-ft wide in areas within 50-ft of an existing residential development (§115-25(E)(4)).
- There are no Wellhead Protection Areas on site and the site is located within an area of “fair” Groundwater Recharge according to GIS records. Please note these items on the plans to accord with Chapter 89 “Source Water Protection” of the Sussex County Code.
- Please note that these are informal staff comments, and do not prejudice any decisions that the Sussex County Planning & Zoning Commission may wish to make as part of the formal review process.

Response: The developer will comply with Sussex County zoning requirements.

Sussex County Housing – Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: www.sussexcountynj.gov/affordable-and-fair-housing-resource-center. The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

Response: Noted.

Sussex County Engineering Department – Contact Chris Calio 855-1299

- The project is within a Tier 3 area for wastewater planning. Sussex County does not currently have a schedule to provide sanitary sewer to these parcels. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility or municipality.

Response: Noted. The project is anticipated to be served by Artesian.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

This concludes our response. If you have any questions, please contact us at your convenience.

Sincerely,

Solutions, IPEM

A handwritten signature in blue ink, appearing to be 'JP', with a long horizontal line extending to the right.

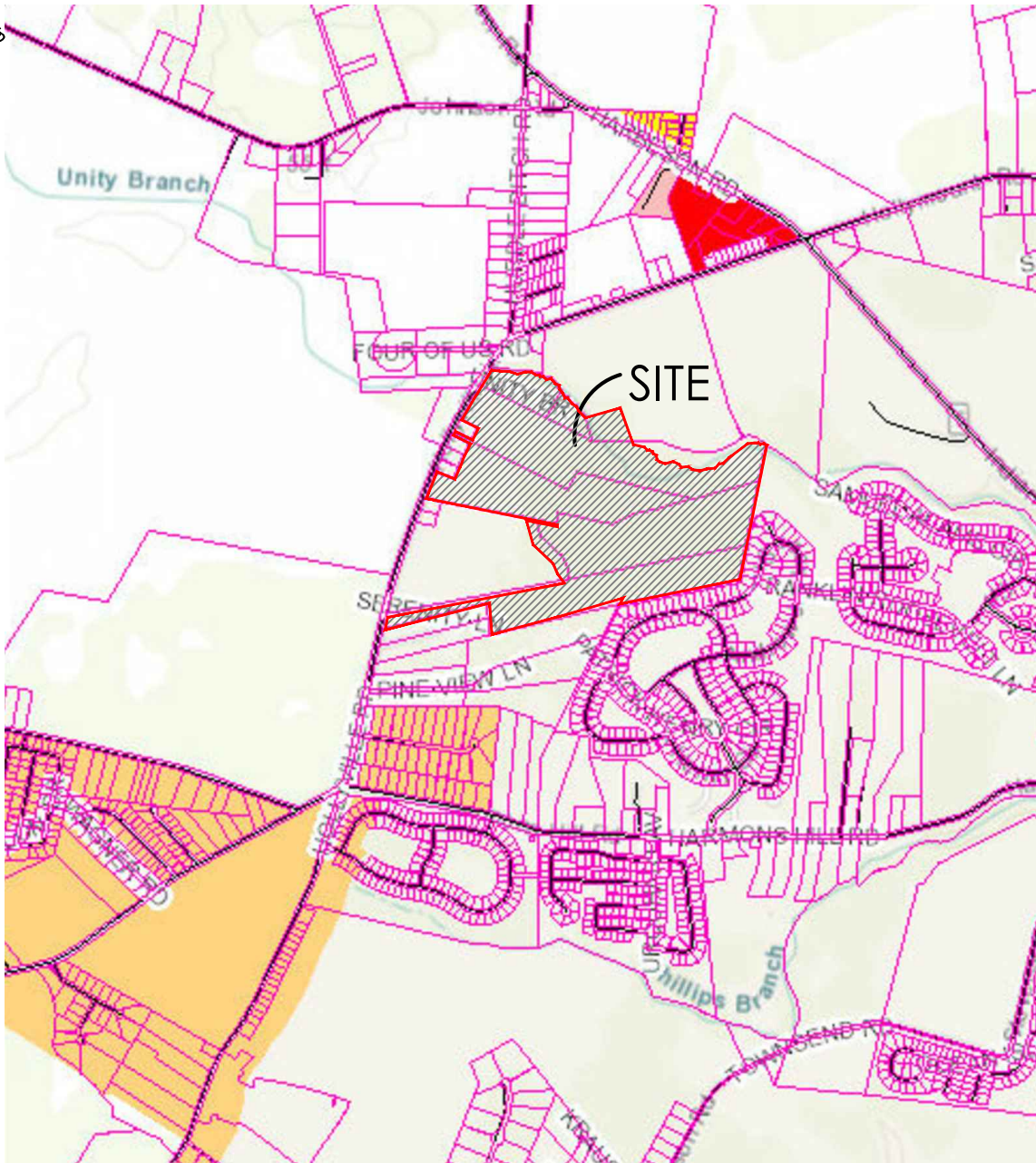
Jason Palkewicz, PE



OUT OF PLAY

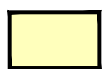
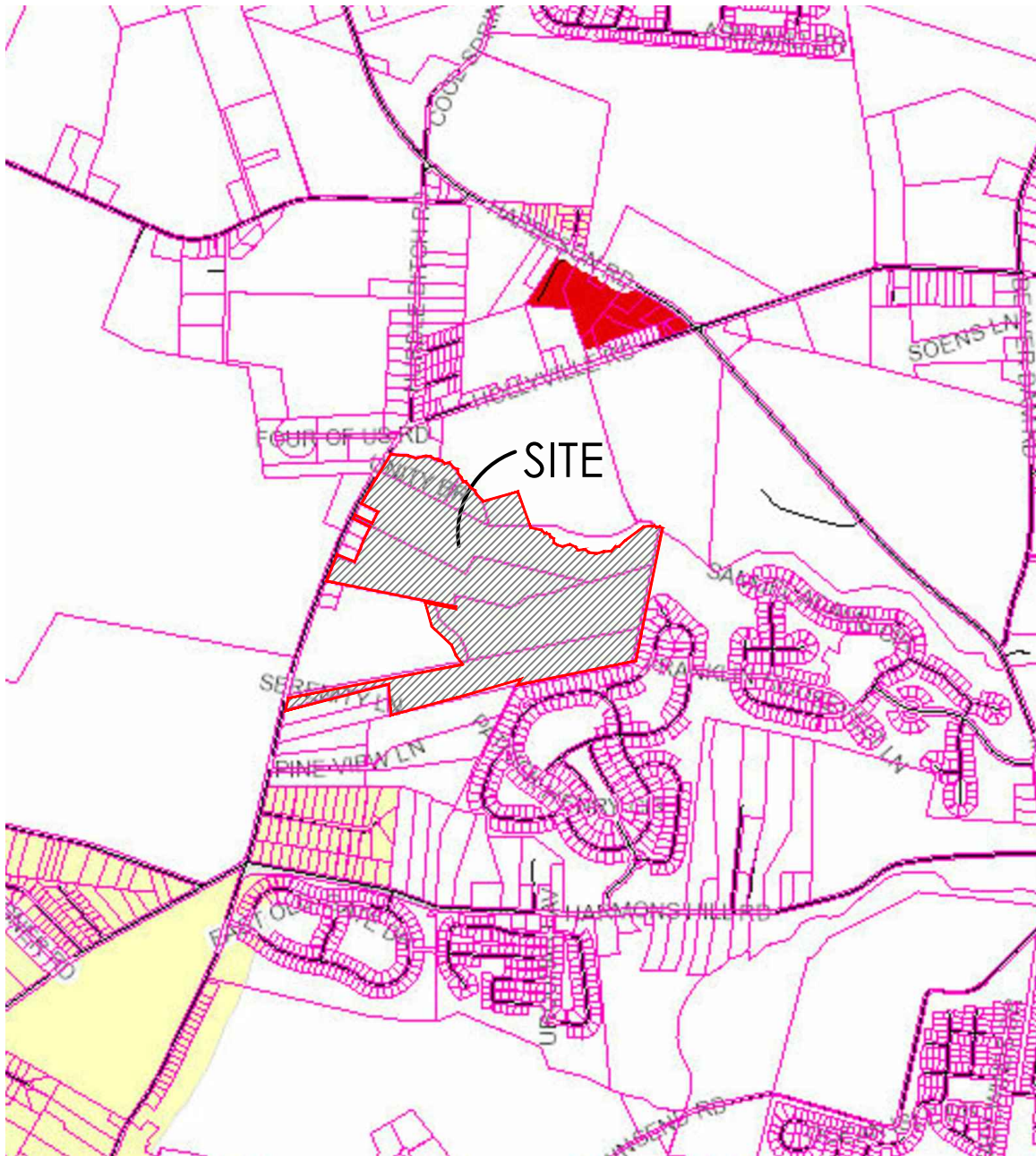
INVESTMENT LEVEL 4

TURNBERRY



- AGRICULTURAL - AR-1
- HIGH DENSITY RESIDENTIAL - HR-1
- GENERAL COMMERCIAL - C-1

TURNBERRY



EXISTING DEVELOPMENT AREA



LOW DENSITY AREA

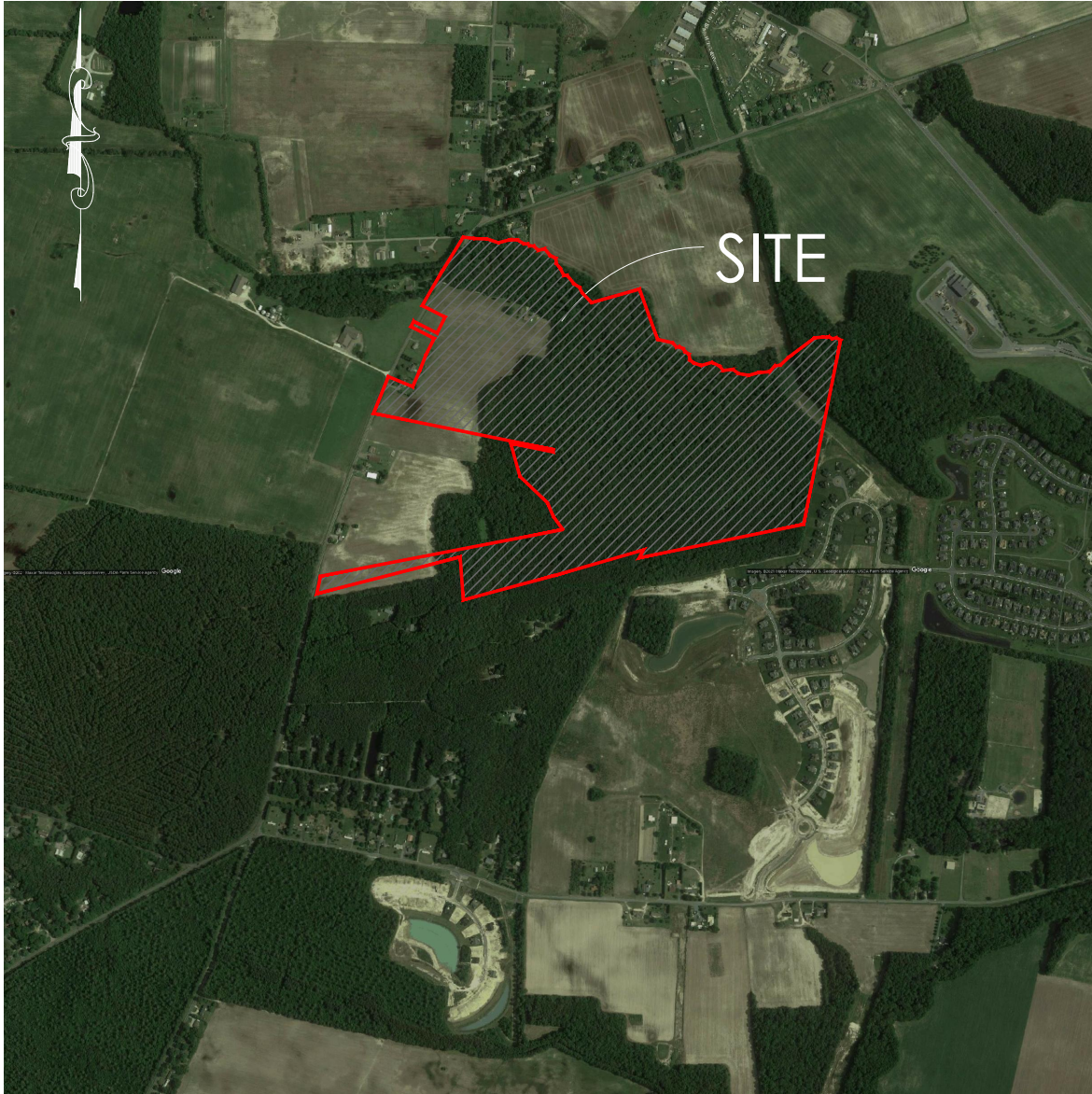


COMMERCIAL

TURNBERRY

FUTURE LAND USE PLAN





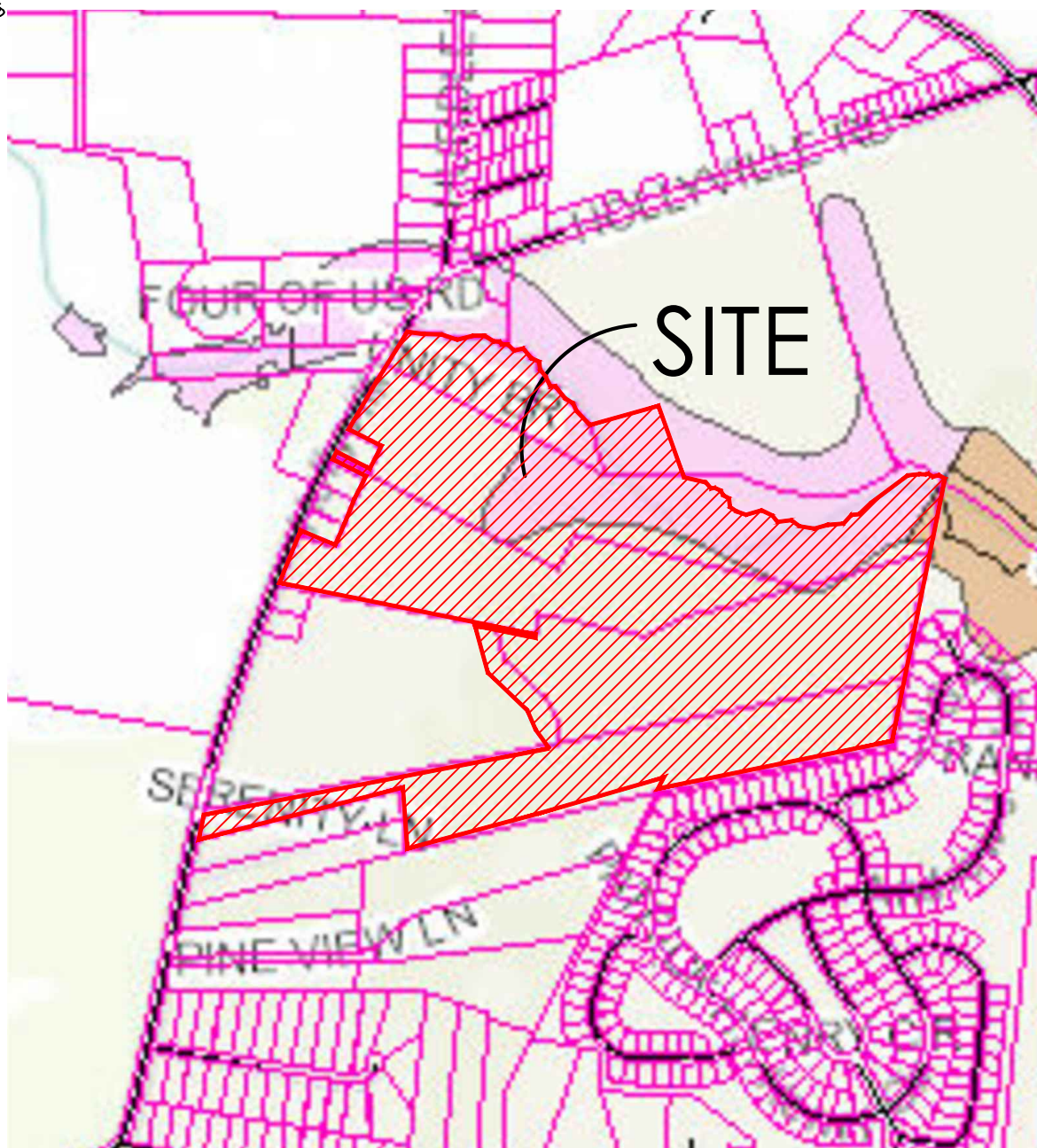
AERIAL

TURNBERRY





FLOOD MAP



PROPERTY IS LOCATED IN FLOOD ZONE A - SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (NO BASE FLOOR ELEVATION DETERMINED) AND ZONE X (UNSHADED) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP 10005C0340K, MAP REVISED MARCH 16, 2015.

TURNBERRY





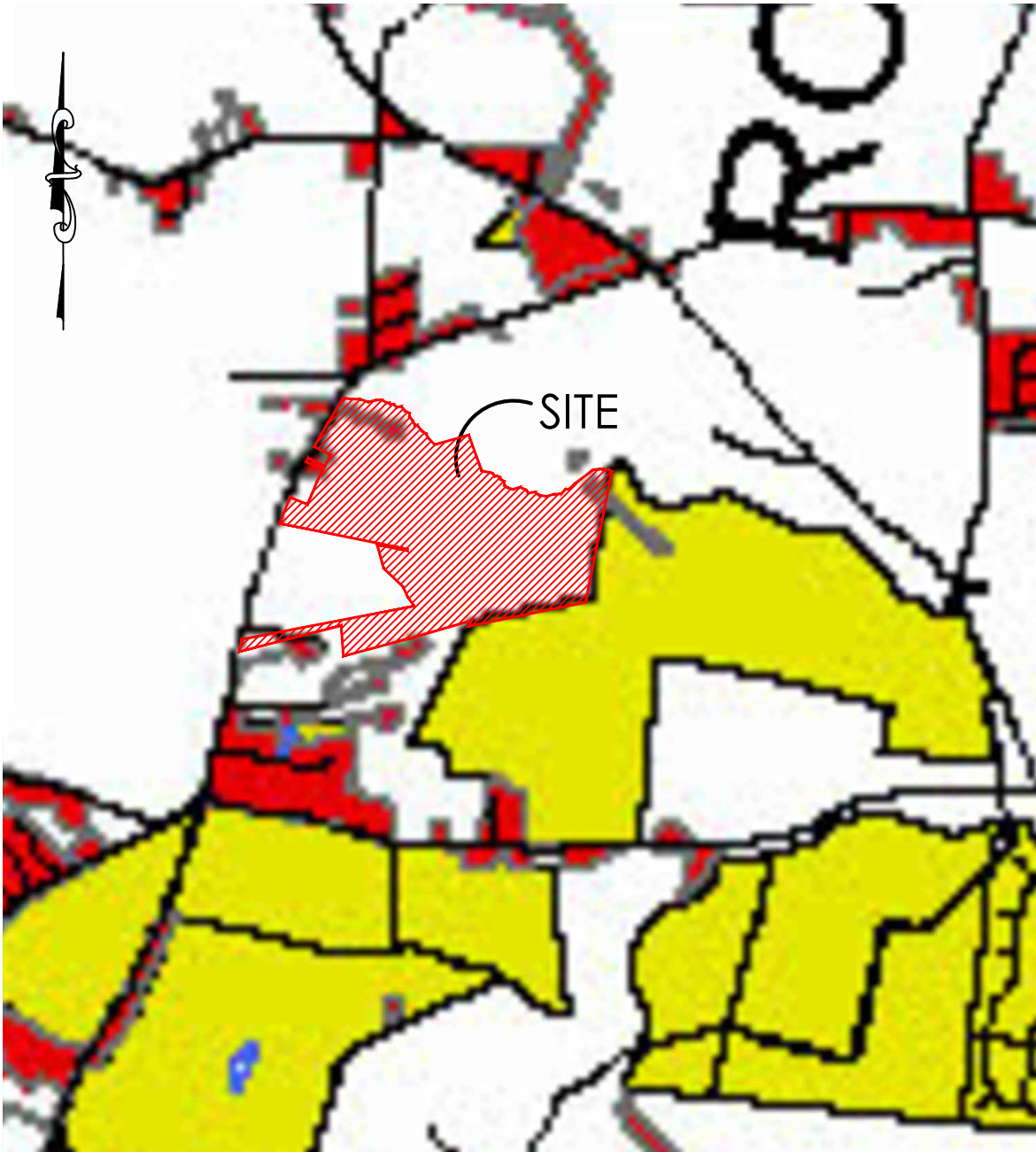
GROUNDWATER RECHARGE PLAN



- EXCELLENT GROUNDWATER RECHARGE
- GOOD GROUNDWATER RECHARGE
- FAIR GROUNDWATER RECHARGE
- POOR GROUNDWATER RECHARGE

TURNBERRY





DEVELOPED LANDS



MAJOR PROPOSED DEVELOPMENTS

TURNBERRY

GEO-TECHNOLOGY ASSOCIATES, INC.

GEOTECHNICAL AND
ENVIRONMENTAL CONSULTANTS

A Practicing Geoprofessional Business Association Member Firm



August 20, 2021

Schell Brothers LLC
20184 Phillip Street
Rehoboth Beach, Delaware 19971

Attn: Mr. Tim Green
Director of Land Development

Re: Report of Subsurface Exploration
Hollyville Property
Buildings and Roadways
Sussex County, Delaware

Ladies & Gentlemen:

Pursuant to your request, Geo-Technology Associates, Incorporated (GTA) has performed geotechnical exploration at the proposed **Hollyville Property** project located in Sussex County, Delaware. The purpose of the subsurface exploration was to present our recommendations with respect to foundation and slab support for the proposed house construction, including basement feasibility, earthwork, pavement and utility construction. The exploration consisted of performing ten hand auger borings within the proposed construction area, visually classifying the soils, and performing limited laboratory testing.

Unless Schell Brothers, LLC specifies otherwise, the samples collected as a part of the subsurface exploration will be disposed of after a period of 60 days from the date of this report. Thank you for the opportunity to be of assistance. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,
GEO-TECHNOLOGY ASSOCIATES, INC.

Travis P. Caraway, EIT
Project Geotechnical Professional
TPC/GRS/llh 31210796

Gregory R. Sauter, P.E.
Vice President



21133 Sterling Avenue, Suite 7, Georgetown, DE 19947 (302) 855-9761

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REPORT OF SUBSURFACE EXPLORATION

Hollyville Property
Buildings and Roadways
Sussex County, Delaware

August 20, 2021

Prepared For:

Schell Brothers, LLC
20184 Phillips Street
Rehoboth Beach, Delaware 19971

Attn: Mr. Tim Green
Director of Land Development

Prepared By:

GEO-TECHNOLOGY ASSOCIATES, INC.
Geotechnical and Environmental Consultants
21133 Sterling Avenue, Suite 7
Georgetown, Delaware 19947
302-855-9761

GTA Job No: 31210796

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**REPORT OF SUBSURFACE EXPLORATION
HOLLYVILLE
BUILDINGS AND ROADWAYS
SUSSEX COUNTY, DELAWARE
AUGUST 2021**

INTRODUCTION

A new community is proposed along the south and east sides of Hollyville Road approximately ½ to 1-mile west of Harbeson Road (Route 5) in the Harbeson area of Sussex County, Delaware. Geo-Technology Associates, Inc. (GTA) was retained by Schell Brothers to perform a geotechnical exploration of the site. The scope of this study included field exploration, review of site plans, limited laboratory testing and engineering analysis. The field exploration consisted of 10 auger borings, performed throughout the property. Concept plans, depicting the proposed improvements prepared by Solutions IPPEM, LLC were referenced for this report. A SWM and pump station report with 61 additional borings has been submitted separately.

SITE CONDITIONS

Referring to the attached Site Location Plan and Exploration Location Plan, the project site consists of two irregularly shaped parcels located on the south and east sides of Hollyville Road with the first parcel approximately ½ mile and the second parcel approximately 1 mile west of Harbeson Road in the Harbeson area of Sussex County, Delaware. The two parcels are separated by Unity Branch and plan designated wetlands. The site consists of agricultural fields and mature woods. Topographically, the site gently slopes downward in an easterly direction towards Unity Branch with the ground surface ranging from approximate Elevation 35 to 26 Mean Sea Level (MSL) at the boring locations.

PROPOSED CONSTRUCTION

The proposed construction will consist of 195 single-family homes within the southern parcel and 104 single-family homes within the northern parcel. A shallow spread foundation system and ground supported slabs are anticipated. Preliminary, foundation loads of upwards to 20 kips for columns and 3 kips per lineal foot are estimated for the proposed structures. Once final loads are determined, GTA should be consulted for additional analysis and recommendations, as applicable.

The proposed construction will also consist of roadways, utilities, and stormwater management (SWM) facilities. The buildings will be served by public water and sewer. While the grading scheme was not available at the time of this report, GTA assumes the building lots and roadway areas will require several feet of cut to fill and ranging from 6 to 14 feet of cut to achieve pond bottom grades in the SWM areas.

SITE GEOLOGY

According to the Geologic Map of the Fairmount and Rehoboth Beach Quadrangles, Delaware (2011), published by the Delaware Geological Survey, the project area is underlain by sediments of the Coastal Plain Physiographic Province. Coastal Plain sediments below the surficial deposits exposed in the site area were generally deposited in commonly estuarine environments of the Tertiary and Quaternary geologic ages. The Late Pliocene deposits, located in the northeastern portion of the site, are predominately designated as the Beaverdam formation. These deposits are characterized by “...very coarse sand with pebbles to silty clay...silty to clayey, fine to coarse sand.” The Late Pleistocene deposits, located in the southwestern portion of the site, are predominately designated as the Lynch Height Formation. These deposits are characterized by “...silty, clayey, very coarse to fine sand...gravelly sand to sandy gravel.” Please review the referenced publication for further details regarding these geologic units.

SUBSURFACE EXPLORATION

To characterize subsurface conditions, GTA performed 10 auger borings, designated as A-1 through A-10, along the roadway alignments, at the relative locations shown on the attached Figure 2, Exploration Location Plan. The borings were drilled to a depth of 10 feet below the ground surface level or where wet, caving conditions were met a depth of 5½ to 8½ feet below the ground surface, during August 2021.

Samples obtained from the borings were returned to GTA's office for visual classification by GTA personnel. Selected samples recovered from the field exploration were submitted for limited laboratory analysis. The soil layers were classified in accordance with the Unified Soil Classification System (USCS). Classifications provided on the logs are visual descriptions,

supplemented by available laboratory data. The exploration logs are presented in Appendix B. The logs represent our interpretation of the field data based on observation and limited soil classification tests. The interfaces indicated on the logs may be gradual.

SUBSURFACE CONDITIONS

The soils were visually classified in accordance with the Unified Soil Classification System (USCS). Beneath an approximately 2- to 16-inch-thick surficial topsoil layer, the explorations generally encountered native subsoils visually classified as predominantly consisting of Silty SANDS (USCS: SM), Poorly-graded SANDs with Silt (SP-SM) and Clayey SANDs (SC). The relative densities of the granular soils were very loose to medium dense based on average DCP values of 2 to 25+ blows per 1¾ inches (bpi).

Explorations A-4 and A-6 encountered subordinate layers of native, fine-grained materials. These fine-grained materials generally consisted of SILTs (USCS: ML). The consistencies of these fine-grained materials were stiff based upon average DCP values of 9 bpf.

GTA's estimate of the seasonal high groundwater level is based upon water levels near seasonal highs, soil coloring, mottling and/or saturation. The results of the groundwater level readings and GTA's opinion of the estimated seasonal high groundwater depth are summarized as follows:

GROUNDWATER DATA SUMMARY

| Exploration No. | Existing Ground Surface Elevation (MSL) | Depth Below Existing Ground Surface (ft.) / Elevation (MSL) to Groundwater at Completion | Depth Below Existing Ground Surface (ft.) / Elevation (MSL) to Groundwater At One to Three Days After Completion | *Depth Below Existing Ground Surface (ft.) / Elevation (MSL) to Estimated Seasonal High Groundwater |
|------------------------|--|---|---|--|
| A-1 | EL 29 | 5.2 / EL 23.8 | 3.9 / EL 25.1 | 3 / EL 26 |
| A-2 | EL 31 | 7.8 / EL 23.2 | 7.5 / EL 23.5 | 5 / EL 26 |
| A-3 | EL 30 | 4.4 / EL 25.6 | 4.0 / EL 26.0 | 3 / EL 27 |
| A-4 | EL 30 | 5.8 / EL 24.2 | 4.4 / EL 25.6 | 3 / EL 27 |
| A-5 | EL 31 | 5.9 / EL 25.1 | 5.6 / EL 25.4 | 5 / EL 26 |
| A-6 | EL 33 | 6.8 / EL 26.2 | 6.1 / EL 26.9 | 5 / EL 28 |
| A-7 | EL 35 | Dry to 10.0 / Dry to EL 25.0 | Dry to 10.0 / Dry to EL 25.0 | 10 / EL 25 |

| Exploration No. | Existing Ground Surface Elevation (MSL) | Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater at Completion | Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater At One to Three Days After Completion | *Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Seasonal High Groundwater |
|-----------------|---|---|---|--|
| A-8 | EL 28 | 5.3 / EL 22.7 | 4.9 / EL 23.1 | 4 / EL 24 |
| A-9 | EL 31 | 7.6 / EL 23.4 | 6.4 / EL 24.6 | 5 / EL 26 |
| A-10 | EL 37 | Dry to 10.0 / Dry to EL 27.0 | Dry to 10.0 / Dry to EL 27.0 | 10 / EL 27 |

*Seasonal high groundwater estimate based upon observed soil mottling, color and/or saturation and should be considered approximate.

**Existing ground surface elevation estimated from Google Earth.

The groundwater levels can be expected to fluctuate with seasonal changes, precipitation, and other factors such as development activity. Additionally, perched water conditions develop in granular soils overlying fine-grained and/or denser soils during the “wet season” and during heavy periods of precipitation. Please refer to the exploration logs provided in Appendix B for further information.

LABORATORY TESTING

Selected samples obtained from the borings was tested for grain-size analysis, Atterberg Limits, moisture density relationship, natural moisture content, and/or California Bearing Ratio (CBR). The grain-size analysis and Atterberg Limits testing were performed to identify the Unified Soil Classification System (USCS) designations for the soil. The results of testing are as follows:

SUMMARY OF LABORATORY TESTING

| EXPLORATION NO. | DEPTH (FT.) | USCS CLASSIFICATION | LL (%) | PI (%) | NM % |
|--------------------|-------------|--------------------------------------|--------|--------|------|
| A-5/A-10 Composite | 1 – 4 | Silty SAND (SM) | NP | NP | 5.5 |
| A-5 | 1 – 4 | Poorly-graded SAND with Silt (SP-SM) | NP | NP | 6.1 |
| A-10 | 1 – 4 | Silty SAND (SM) | NP | NP | 3.0 |

Note: LL=Liquid Limit PI=Plastic Index NP=Non-plastic NM=Natural Moisture Content

A near surface, bulk sample was also tested for moisture-density relationships in accordance with the Modified Proctor (ASTM D-1557) method for use in evaluating the suitability of these soils for reuse as fill. The sample was also subjected to California Bearing Ratio (CBR)

testing for use in evaluation of pavement subgrade supporting quality. Results of these tests are summarized in the following table.

SUMMARY OF COMPACTION and CBR DATA
(ASTM D 1557, the Modified Proctor; ASTM D 1883, CBR)

| EXPLORATION NO. | DEPTH (FT) | MAXIMUM DRY DENSITY (PCF) | OPTIMUM MOISTURE (%) | NATURAL MOISTURE (%) | CBR AT 95% COMPACTION (%) |
|------------------------|-------------------|----------------------------------|-----------------------------|-----------------------------|----------------------------------|
| A-5/A-10 Composite | 1 – 4 | 124.0 | 8.5 | 5.5 | 27.1 |

Please refer to the laboratory test results included within Appendix C for additional information.

CONCLUSIONS AND RECOMMENDATIONS

Based upon the results of this study, it is our opinion that construction of the proposed improvements is feasible, given that the geotechnical recommendations are followed and that the standard level of care is maintained during construction. GTA's preliminary recommendations are provided in the following paragraphs.

Earthwork

Before the placement of compacted fill, areas below proposed foundations, slabs, and pavements should be stripped to remove topsoil and soft materials. In areas where soft and/or concentrated organic materials are encountered during mass earthwork operations, these materials should be removed to expose firm native soils and replaced with structural fill. After stripping, subgrade areas should be proof-rolled with a loaded tandem-axle dump truck, performed as recommended by GTA. No fill should be placed until the geotechnical engineer approves the subgrade. Wet soils near surface grade will result in poor trafficability. Positive drainage should be maintained during construction.

Precipitation will result in standing water at low areas and in localized undercut areas. Positive drainage should be provided to protect exposed subgrades. During wet season construction, GTA anticipates that the existing surficial soils may soften and significant rutting

may occur. If water is allowed to pond, the exposed subgrade materials may deteriorate and additional over-excavation or subgrade improvement may be required at the affected areas. Depending on the level of precipitation and construction traffic routing, a contingency (cost per in-place cubic yard) should be established for undercut and replacement of soft soils.

Most near surface on-site soils beneath the topsoil, similar to the materials tested, are considered suitable for reuse as structural fill material within roadways and building lots. Excavated site materials conforming to SP, SP-SM or SM classifications will be suitable for reuse as structural fill. Materials conforming to SP-SM or SP are recommended for at least the top one foot of building pad and roadway subgrade fill. Materials conforming to USCS SC, CL and ML are not recommended for structural fill and should be placed in designated green and pond areas or properly disposed of offsite. The moisture of the bulk sample tested was approximately three percent below the optimum moisture content. At this indicated moisture level, granular site materials similar to the sample tested may require limited moisture supplementation after spreading over a large area and prior to compaction. During wet weather or when excavating below or near groundwater, delays and expense will likely be associated with reducing soil moistures to acceptable levels.

For utility and site earthwork construction, the success of these operations will be largely dependent upon the weather conditions at the time of the earthwork construction. Summer construction season is recommended to reduce the premium cost for drying. A contingency should be established for moisture adjustments and importing suitable materials. If the work is performed during wet weather, offsite borrow may be required to complete the earthwork construction.

Deeper excavations, such as for utility installations, will likely encounter groundwater. Consideration must be given to dewatering and stability of excavated slopes. Contractors should provide adequate dewatering and earth support systems in utility trench excavations. Utility pipe systems below pavement and other structural areas should be backfilled using controlled, compacted fill conforming to USCS SM, SP-SM or SP soils. The backfill should be constructed as described in our site grading recommendations. Lift thickness should be reduced to 4 inches when compacting with lightweight equipment around structures.

Dewatering through the use of “sump and pump” for trenches extending 1 to 2 feet below groundwater, in conjunction with well point techniques in deeper utility areas, will be required for utility installation. Most utility installations extended below 5 feet will likely encounter groundwater. Well points will be required for deeper utility alignments.

Off-site borrow should meet Unified Soil Classification System (USCS) designation SM, SP, SW, GM, GP, or GW and be approved by GTA. Utility backfill and roadway fill should conform to DelDOT Type C Borrow. All fills should be constructed in maximum 8-inch thick loose lifts and be compacted to the following specifications:

COMPACTION SPECIFICATIONS

| Structure / Fill Location | Compaction / Moisture Specification |
|---|---|
| Below foundations, floor slab subgrades and within wall backfill and pavement areas | 95% of ASTM D 1557 Moisture: $\pm 3\%$ of optimum |
| Lawn or unimproved areas | 90% of ASTM D 1557 Moisture: optimum to $\pm 3\%$ of optimum |

A fulltime soils-technician under guidance of GTA should observe fill construction. Compactive effort should be verified by in-place density testing.

Basement Feasibility

Considering groundwater levels below normal seasonal highs, a nominal clearance of 2 to 3-feet between the estimated seasonal high groundwater and basement depth was used with respect to GTA’s opinion of the feasibility of basement construction when considering groundwater depth.

While the grading scheme is not available at the time of this report, in general, it is our opinion that conventional basement construction (5 to 6 feet deep) is not feasible at most lots, with respect to the estimated seasonal high groundwater level. Depending upon final grading scheme, GTA recommends that the top of finished ground concrete slab surface for each basement/crawlspace lot be placed no lower than as follows:

| Lot Numbers | Top of Basement/Crawlspace Slab Embedment Elevation (MSL) |
|---|--|
| South: 71 – 85, 97 – 99, 103 – 105 | EL 26 |
| South: 54 – 59, 176 – 179 | EL 27 |
| North: 1 – 23, 38 – 78, 90 – 104 South: 6 – 11, 17, 46 – 53, 60 – 70, 86 – 96, 100 – 102, 106 – 141, 162 – 164, 174, 175, 180 – 188 | EL 28 |
| North: 24 – 37, 79 – 89 South: 12 – 16, 18 – 45, 142 – 161, 165 – 173, 189 – 195 | EL 29 |
| South: 1 – 5 | EL 30 |

To facilitate basement construction, yard grades will need to be raised several feet, at most lots. If the grades cannot be raised to facilitate basement construction, GTA recommends conditioned crawlspace or slab on grade construction.

If saturated footing and slab subgrades are encountered during construction, GTA should be consulted. The subgrade should be stabilized and the basement or crawlspace ground floor level may have to be raised as recommended by GTA. At lots where, clayey subgrade is encountered at ground floor subgrade, drainage trenches filled with AASHTO # 57 aggregate wrapped with filter fabric (Mirafi 140N or approved equal) will need to be excavated to penetrate the clayey materials and expose underlying sands. GTA should observe the basement/crawlspace foundation subgrade and construction for conformance with our recommendations and to allow for additional recommendations based upon the conditions observed in the field at the time of construction.

For basement and crawlspace foundations, an exterior and interior perimeter foundation drain system outletted to a sump crock provided with a backup mechanical pump is recommended. Perimeter drains should be installed for the foundation to prevent excess hydrostatic pressure. All exterior grades should slope to drain away from the building foundation. Basement and crawlspace drains, dampproofing, footings, and wall construction should be in general accordance with IRC 2012 and Sussex County requirements, as applicable.

Foundations

Based upon the exploration data, it is GTA's opinion that the proposed houses and clubhouse facility may be supported on structural fill or firm native soils using shallow spread footings designed for a maximum net allowable bearing pressure of 2,000 pounds per square foot (psf). Minimum widths for wall footings of 16 inches and column footings of 24 inches are recommended. Settlement of 1-inch total and ½-inch differential over a 50-foot horizontal span is estimated considering preliminary wall loads of 3 kips per foot and column loads of 20 kips. Exterior footings should be founded a minimum of 24 inches below the final exterior grades to provide protection from frost action.

Detailed foundation evaluations should be performed in each footing excavation prior to the placement of reinforcing steel or concrete. These evaluations should be performed by a representative of GTA to confirm that the allowable soil bearing capacity is available. The foundation bearing surface evaluations should be performed using a combination of visual observation, comparison with the borings, hand-rod probing, and Dynamic Cone Penetrometer (DCP) testing. Footings should be concreted on the day they are excavated. If very loose or unsuitable materials are encountered, the footing excavations should be undercut and the subgrade should be reestablished with AASHTO No. 57 crushed stone or in accordance with GTA's recommendations in the field at the time of construction.

Floor Slabs

The ground floors should be designed as concrete slab-on-grade. GTA recommends that the concrete floor slabs supported on grade be founded on a four-inch thick open-graded stone layer covered with a polyethylene vapor retarder to interrupt the rise of moisture through the slab. Natural and compacted fill subgrades for support of the floor slabs should be tested to verify stability and compaction in accordance with GTA's earthwork recommendations prior to placement of concrete. Control joints should be provided to control shrinkage cracking of the concrete floor system. Isolation joints should be present at the location of walls, columns, and footings to allow for differential movement.

Pavements

Pavement sections should be designed based on anticipated subgrade conditions and traffic intensity. Laboratory testing of selected site soils indicated a CBR value of approximately 27.1 percent for the Silty SAND (AASHTO A-2-4(0)) sample tested. The CBR value is based upon a relative compaction of 95 percent of maximum dry density (Modified Proctor, ASTM D-1557). Based upon the CBR value and the field conditions encountered at the borings, the site soils tested are considered to be generally good for supporting standard pavement sections.

Based on GTA's experience with similar projects, construction traffic is likely to be more significant for the design of the pavements. The pavement section thickness should be designed to reflect construction traffic and the subgrade supporting quality of the site soils. The on-site soils conforming to SM, SP-SM or SP will be suitable for the support of the pavement thickness sections indicated in the following paragraphs. However, subgrade materials should be carefully evaluated prior to graded aggregate base placement and paving. Subgrade materials conforming to AASHTO Classification A-4, A-5, A-6 or A-7 and USCS SC classification should be undercut and replaced with suitable granular materials conforming to A-1, A-2 or A-3 and DelDOT Type C Borrow. Therefore, GTA recommends that the upper 12 inches of roadway subgrade be constructed of fill with the following characteristics:

PAVEMENT SUBGRADE SPECIFICATIONS

| | |
|--------------------------|--------------------|
| Liquid Limit | 35 or less |
| Plasticity Index | Non-Plastic |
| Maximum Dry Density | 105 pcf or greater |
| California Bearing Ratio | 10 or greater |

Prior to construction of pavement sections, the pavement subgrade should be proof-rolled with a loaded tandem-axle dump truck under the observation of GTA to verify stability. Unstable or unsuitable soils should be over-excavated to a stable bearing layer. The subgrade may be re-established with approved, controlled, compacted stabilized fill. A contingency for undercutting and replacement of unsuitable materials should be provided.

For roadway pavement construction, it is recommended that two different pavement sections be utilized to reduce the potential for pavement failures during construction. The heavy-duty pavement section can be constructed for the primary roadways including the entrance. The standard-duty pavement section can be constructed for the interior minor roadways. It is recommended that construction traffic be limited to the heavy-duty pavement sections. The recommended preliminary pavement sections are as follows:

FLEXIBLE PAVEMENT

| Pavement Components | Standard-Duty | Heavy-Duty |
|--|----------------------|-------------------|
| Hot Mix Asphalt Surface Course (Type C; 9.5 mm Superpave) | 1 ¼ inches | 1 ¼ inches |
| Hot Mix Asphalt Base Course (Type B; 19 mm Superpave) | 3 inches | 3 ¾ inches |
| Graded Aggregate Base Course (Type B Crusher Run) | 6 inches | 8 inches |
| Approved Subgrade | 12 inches | 12 inches |

RIGID PAVEMENT

| Pavement Components | Standard-Duty | Heavy-Duty |
|---|----------------------|-------------------|
| Portland Cement Concrete* | 6 inches | 7 inches |
| Graded Aggregate Base Course (Type B Crusher Run) | 4 inches | 4 inches |
| Approved Subgrade | 12 inches | 12 inches |

*f'c= 4,000 psi concrete provided with 7% air-entrainment; control joints, isolation joints, load transfer devices, and reinforcement as required.

When pavement areas are established to approximate pavement subgrade, the pavement subgrade material should be observed by GTA to allow for additional recommendations based upon subgrade conditions observed at the time of construction. All pavement materials and construction should conform to the State of Delaware, Department of Transportation (DelDOT), STANDARD SPECIFICATIONS, latest edition, and Sussex County standards, as applicable.

LIMITATIONS

This report, including all supporting exploration logs, field data, field notes, laboratory test data, calculations, estimates, and other documents prepared by GTA in connection with this project, has been prepared for the exclusive use of Schell Brothers, LLC pursuant to the agreements between GTA and Schell Brothers, LLC dated April 20, 2021 and in accordance with generally accepted engineering practice. All terms and conditions set forth in the Agreement and the General

Provisions attached thereto are incorporated herein by reference. No warranty, express or implied, is given herein. Use and reproduction of this report by any other person without the expressed written permission of GTA and Schell Brothers, LLC is unauthorized and such use is at the sole risk of the user.

The analysis and preliminary recommendations contained in this report are based on the data obtained from limited observation and testing of the encountered materials. Test borings indicate soil conditions only at specific locations and times and only at the depths penetrated. They do not necessarily reflect strata or variations that may exist between test boring locations. Consequently, the analysis and recommendations must be considered preliminary until the subsurface conditions can be verified by direct observation at the time of construction. If variations of subsurface conditions from those described in this report are noted during construction, recommendations in this report may need to be re-evaluated.

In the event that any changes in the nature, design, or location of the facilities are planned, the conclusions and recommendations contained in this report should not be considered valid unless the changes are reviewed and conclusions of this report are verified in writing. Geo-Technology Associates, Inc. is not responsible for any claims, damages, or liability associated with interpretation of subsurface data or reuse of the subsurface data or engineering analysis without the expressed written authorization of Geo-Technology Associates, Inc.

The scope of our services for this geotechnical exploration did not include any environmental assessment or investigation for the presence or absence of wetlands, or hazardous or toxic materials in the soil, surface water, groundwater or air, on or below or around this site. Any statements in this report or on the logs regarding odors or unusual or suspicious items or conditions observed are strictly for the information of our Client. This report and the attached logs are instruments of service. The subject matter of this report is limited to the facts and matters stated herein. Absence of a reference to any other conditions or subject matter shall not be construed by the reader to imply approval by the writer.

Important Information about This Geotechnical-Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.

While you cannot eliminate all such risks, you can manage them. The following information is provided to help.

The Geoprofessional Business Association (GBA) has prepared this advisory to help you – assumedly a client representative – interpret and apply this geotechnical-engineering report as effectively as possible. In that way, you can benefit from a lowered exposure to problems associated with subsurface conditions at project sites and development of them that, for decades, have been a principal cause of construction delays, cost overruns, claims, and disputes. If you have questions or want more information about any of the issues discussed herein, contact your GBA-member geotechnical engineer. Active engagement in GBA exposes geotechnical engineers to a wide array of risk-confrontation techniques that can be of genuine benefit for everyone involved with a construction project.

Understand the Geotechnical-Engineering Services Provided for this Report

Geotechnical-engineering services typically include the planning, collection, interpretation, and analysis of exploratory data from widely spaced borings and/or test pits. Field data are combined with results from laboratory tests of soil and rock samples obtained from field exploration (if applicable), observations made during site reconnaissance, and historical information to form one or more models of the expected subsurface conditions beneath the site. Local geology and alterations of the site surface and subsurface by previous and proposed construction are also important considerations. Geotechnical engineers apply their engineering training, experience, and judgment to adapt the requirements of the prospective project to the subsurface model(s). Estimates are made of the subsurface conditions that will likely be exposed during construction as well as the expected performance of foundations and other structures being planned and/or affected by construction activities.

The culmination of these geotechnical-engineering services is typically a geotechnical-engineering report providing the data obtained, a discussion of the subsurface model(s), the engineering and geologic engineering assessments and analyses made, and the recommendations developed to satisfy the given requirements of the project. These reports may be titled investigations, explorations, studies, assessments, or evaluations. Regardless of the title used, the geotechnical-engineering report is an engineering interpretation of the subsurface conditions within the context of the project and does not represent a close examination, systematic inquiry, or thorough investigation of all site and subsurface conditions.

Geotechnical-Engineering Services are Performed for Specific Purposes, Persons, and Projects, and At Specific Times

Geotechnical engineers structure their services to meet the specific needs, goals, and risk management preferences of their clients. A geotechnical-engineering study conducted for a given civil engineer

will not likely meet the needs of a civil-works constructor or even a different civil engineer. Because each geotechnical-engineering study is unique, each geotechnical-engineering report is unique, prepared *solely* for the client.

Likewise, geotechnical-engineering services are performed for a specific project and purpose. For example, it is unlikely that a geotechnical-engineering study for a refrigerated warehouse will be the same as one prepared for a parking garage; and a few borings drilled during a preliminary study to evaluate site feasibility will not be adequate to develop geotechnical design recommendations for the project.

Do not rely on this report if your geotechnical engineer prepared it:

- for a different client;
- for a different project or purpose;
- for a different site (that may or may not include all or a portion of the original site); or
- before important events occurred at the site or adjacent to it; e.g., man-made events like construction or environmental remediation, or natural events like floods, droughts, earthquakes, or groundwater fluctuations.

Note, too, the reliability of a geotechnical-engineering report can be affected by the passage of time, because of factors like changed subsurface conditions; new or modified codes, standards, or regulations; or new techniques or tools. *If you are the least bit uncertain about the continued reliability of this report, contact your geotechnical engineer before applying the recommendations in it. A minor amount of additional testing or analysis after the passage of time – if any is required at all – could prevent major problems.*

Read this Report in Full

Costly problems have occurred because those relying on a geotechnical-engineering report did not read the report in its entirety. Do not rely on an executive summary. Do not read selective elements only. *Read and refer to the report in full.*

You Need to Inform Your Geotechnical Engineer About Change

Your geotechnical engineer considered unique, project-specific factors when developing the scope of study behind this report and developing the confirmation-dependent recommendations the report conveys. Typical changes that could erode the reliability of this report include those that affect:

- the site's size or shape;
- the elevation, configuration, location, orientation, function or weight of the proposed structure and the desired performance criteria;
- the composition of the design team; or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project or site changes – even minor ones – and request an assessment of their impact. *The geotechnical engineer who prepared this report cannot accept*

responsibility or liability for problems that arise because the geotechnical engineer was not informed about developments the engineer otherwise would have considered.

Most of the “Findings” Related in This Report Are Professional Opinions

Before construction begins, geotechnical engineers explore a site’s subsurface using various sampling and testing procedures. *Geotechnical engineers can observe actual subsurface conditions only at those specific locations where sampling and testing is performed.* The data derived from that sampling and testing were reviewed by your geotechnical engineer, who then applied professional judgement to form opinions about subsurface conditions throughout the site. Actual site-wide subsurface conditions may differ – maybe significantly – from those indicated in this report. Confront that risk by retaining your geotechnical engineer to serve on the design team through project completion to obtain informed guidance quickly, whenever needed.

This Report’s Recommendations Are Confirmation-Dependent

The recommendations included in this report – including any options or alternatives – are confirmation-dependent. In other words, they are not final, because the geotechnical engineer who developed them relied heavily on judgement and opinion to do so. Your geotechnical engineer can finalize the recommendations *only after observing actual subsurface conditions* exposed during construction. If through observation your geotechnical engineer confirms that the conditions assumed to exist actually do exist, the recommendations can be relied upon, assuming no other changes have occurred. *The geotechnical engineer who prepared this report cannot assume responsibility or liability for confirmation-dependent recommendations if you fail to retain that engineer to perform construction observation.*

This Report Could Be Misinterpreted

Other design professionals’ misinterpretation of geotechnical-engineering reports has resulted in costly problems. Confront that risk by having your geotechnical engineer serve as a continuing member of the design team, to:

- confer with other design-team members;
- help develop specifications;
- review pertinent elements of other design professionals’ plans and specifications; and
- be available whenever geotechnical-engineering guidance is needed.

You should also confront the risk of constructors misinterpreting this report. Do so by retaining your geotechnical engineer to participate in prebid and preconstruction conferences and to perform construction-phase observations.

Give Constructors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can shift unanticipated-subsurface-conditions liability to constructors by limiting the information they provide for bid preparation. To help prevent the costly, contentious problems this practice has caused, include the complete geotechnical-engineering report, along with any attachments or appendices, with your contract documents, *but be certain to note*

conspicuously that you’ve included the material for information purposes only. To avoid misunderstanding, you may also want to note that “informational purposes” means constructors have no right to rely on the interpretations, opinions, conclusions, or recommendations in the report. Be certain that constructors know they may learn about specific project requirements, including options selected from the report, *only* from the design drawings and specifications. Remind constructors that they may perform their own studies if they want to, and *be sure to allow enough time* to permit them to do so. Only then might you be in a position to give constructors the information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions. Conducting prebid and preconstruction conferences can also be valuable in this respect.

Read Responsibility Provisions Closely

Some client representatives, design professionals, and constructors do not realize that geotechnical engineering is far less exact than other engineering disciplines. This happens in part because soil and rock on project sites are typically heterogeneous and not manufactured materials with well-defined engineering properties like steel and concrete. That lack of understanding has nurtured unrealistic expectations that have resulted in disappointments, delays, cost overruns, claims, and disputes. To confront that risk, geotechnical engineers commonly include explanatory provisions in their reports. Sometimes labeled “limitations,” many of these provisions indicate where geotechnical engineers’ responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

Geoenvironmental Concerns Are Not Covered

The personnel, equipment, and techniques used to perform an environmental study – e.g., a “phase-one” or “phase-two” environmental site assessment – differ significantly from those used to perform a geotechnical-engineering study. For that reason, a geotechnical-engineering report does not usually provide environmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated subsurface environmental problems have led to project failures.* If you have not obtained your own environmental information about the project site, ask your geotechnical consultant for a recommendation on how to find environmental risk-management guidance.

Obtain Professional Assistance to Deal with Moisture Infiltration and Mold

While your geotechnical engineer may have addressed groundwater, water infiltration, or similar issues in this report, the engineer’s services were not designed, conducted, or intended to prevent migration of moisture – including water vapor – from the soil through building slabs and walls and into the building interior, where it can cause mold growth and material-performance deficiencies. Accordingly, *proper implementation of the geotechnical engineer’s recommendations will not of itself be sufficient to prevent moisture infiltration.* Confront the risk of moisture infiltration by including building-envelope or mold specialists on the design team. *Geotechnical engineers are not building-envelope or mold specialists.*



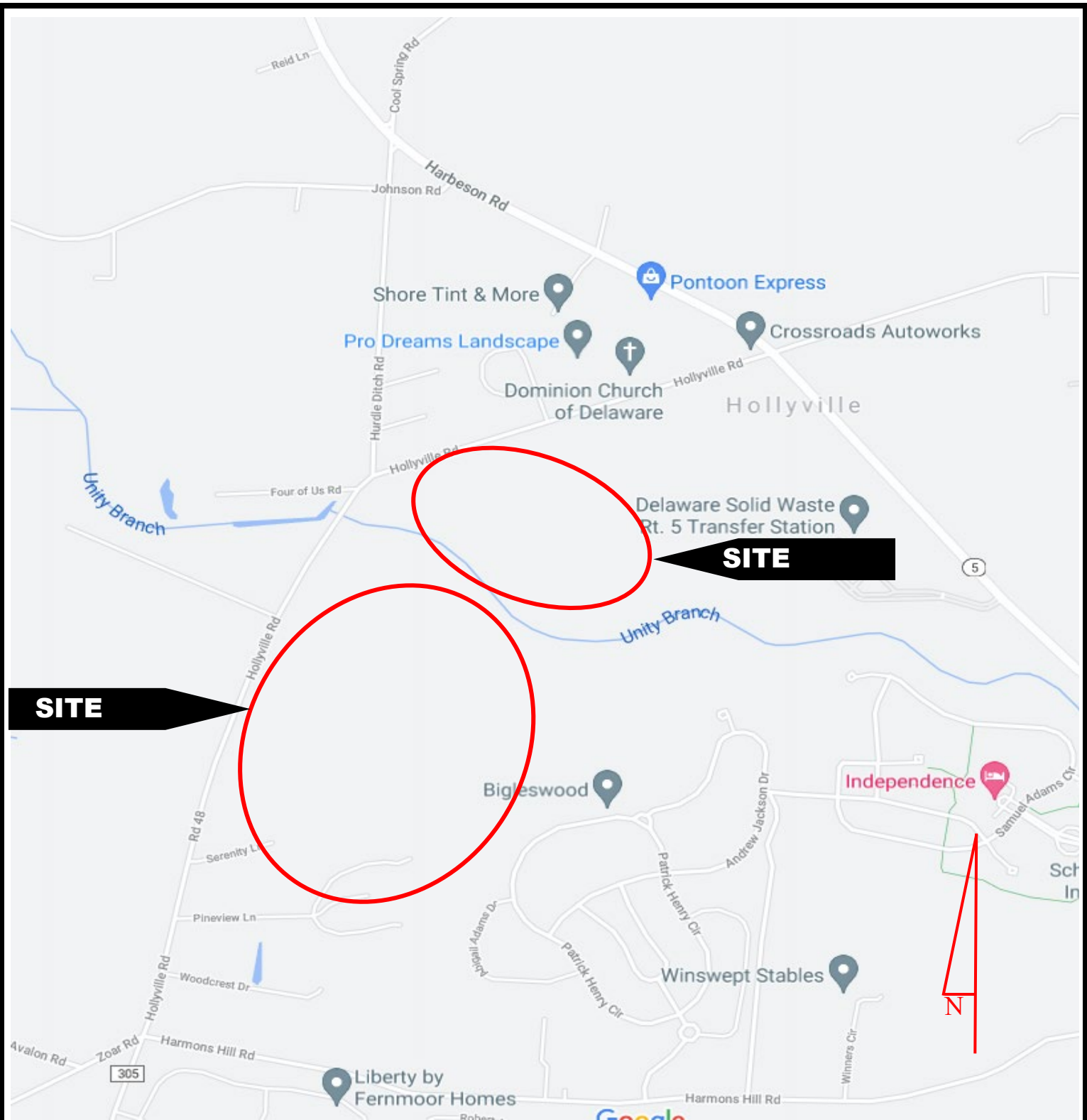
GEOPROFESSIONAL
BUSINESS
ASSOCIATION

Telephone: 301/565-2733

e-mail: info@geoprofessional.org www.geoprofessional.org

APPENDIX A

FIGURES



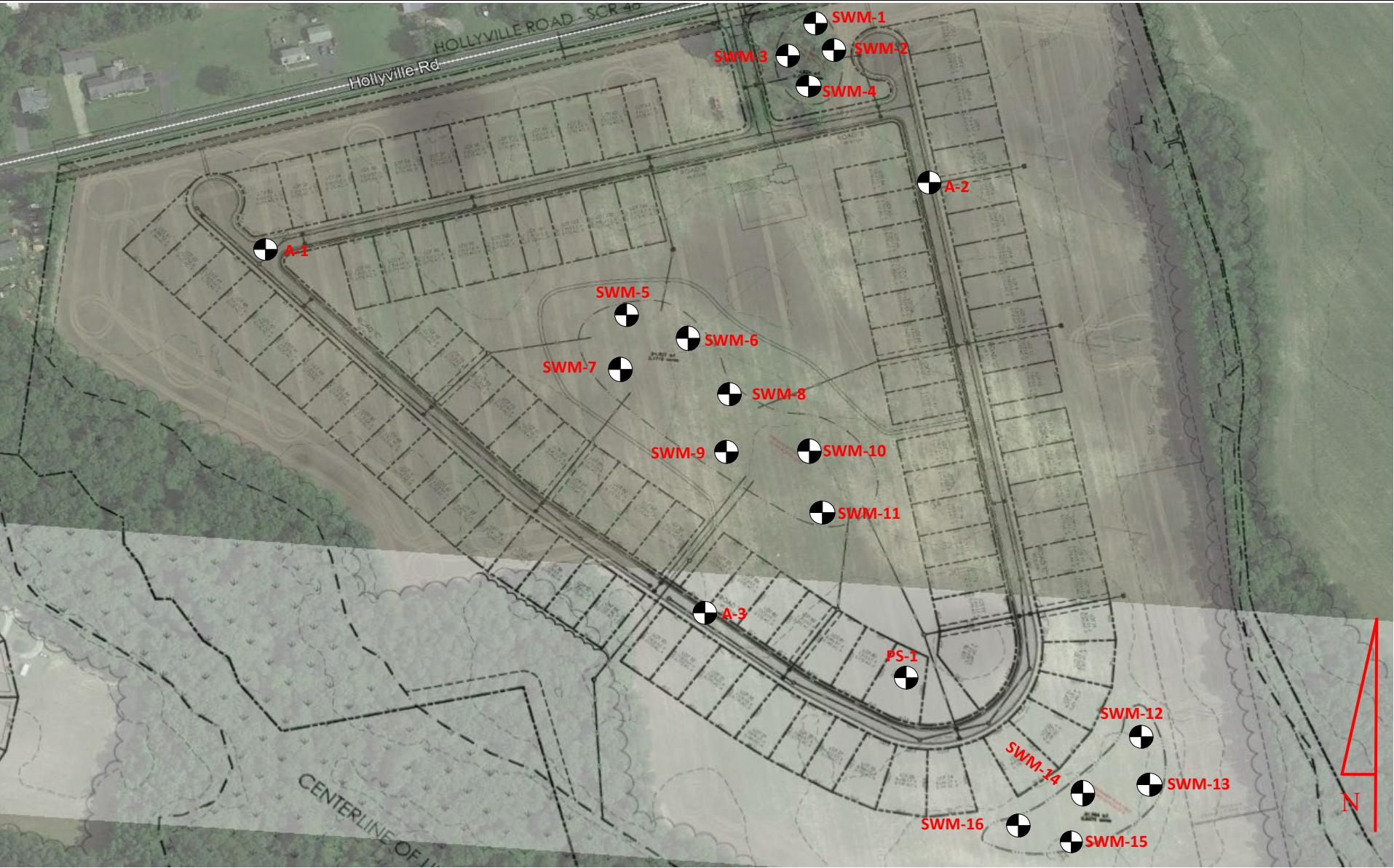
Site Location Plan taken from Google Maps




GEO-TECHNOLOGY ASSOCIATES, INC.
 GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS
 21133 Sterling Avenue, Suite 7
 Georgetown, Delaware 19947
 (302) 855-9761 Fax (302) 856-3388

**Site Location Plan
 Hollyville Property
 Sussex County, Delaware**

| SCALE | DATE | DRAWN BY | DESIGN BY | REVIEW BY | JOB NO. |
|-------|-------------|----------|-------------|-----------|----------|
| NTS | August 2021 | GTA | Google Maps | GRS | 31210796 |



Exploration Location Plan taken from Google Earth and an untitled plan prepared by Solutions IPEM and not dated.

 Exploration Location



GEO-TECHNOLOGY ASSOCIATES, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS
21133 Sterling Avenue, Suite 7
Georgetown, Delaware 19947
(302) 855-9761 Fax (302) 856-3388

Exploration Location Plan
Hollyville
Sussex County, Delaware

SCALE 11X17
1" ~ 190'

DATE
August 2021

DRAWN BY
GTA

DESIGN BY
Solutions


REVIEW BY
GRS

JOB NO.
31210796

Figure
2



Exploration Location Plan taken from Google Earth and an untitled plan prepared by Solutions IPEM and not dated.

 Exploration Location



GEO-TECHNOLOGY ASSOCIATES, INC.
 GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS
 21133 Sterling Avenue, Suite 7
 Georgetown, Delaware 19947
 (302) 855-9761 Fax (302) 856-3388

Exploration Location Plan
Hollyville Property
Sussex County, Delaware

SCALE 11X17

1" ~ 305'

DATE

August 2021

DRAWN BY

GTA

DESIGN BY

Solutions

REVIEW BY

GRS

JOB NO.

31210796

Figure

3



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company



Artesian Wastewater Management



Artesian Utility Development



Artesian Water Pennsylvania



Artesian Water Maryland



Artesian Wastewater Maryland

July 26, 2021

Mr. Chris Schell
Schell Brothers, LLC
20184 Phillips Street
Rehoboth Beach, Delaware 19971

RE: Unity Branch Subdivision Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for Unity Branch Subdivision Project on Hollyville Road in Indian River Hundred, Sussex County, Delaware, with tax parcel numbers 234-10.00-199.00, 234-16.00-1.01, 234-16.00-1.02, 234-16.00-3.00, 234-16.00-4.00 and 234-16.00-5.00 (the "Property"), please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. (collectively, "Artesian") are willing and able to provide Service to the Property that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control, and Sussex County standards. Artesian has the water and wastewater Certificates of Public Convenience and Necessity ("CPCNs") from the Delaware Public Service Commission.

Based on current conditions and subject to the development entity and Artesian entering Water and Wastewater Service Agreements (collectively, "Agreements") that addresses the financial terms of the provision of Service for the Property, in accordance with Artesian's tariff as approved by the Delaware Public Service Commission, Artesian is willing and able to provide the required Service for this Property.

This letter shall expire if Agreements are not executed within one year of the date of this letter.

If you have any questions, please do not hesitate to contact us.

Yours very truly,

Katherine E. Garrison

Katherine E. Garrison
Senior Planning Designer

Jason Palkewicz, Professional Engineer **CEO**

EDUCATION

BE, Environmental Eng., 1995
Hofstra University

MS, Civil Eng., 1999
University of Toledo

REGISTRATIONS

- Professional Engineer
MD # 25088
- Professional Engineer
DE # 12083
- Professional Engineer
VA # 035417

MEMBERSHIPS

- LEED, AP

PROFESSIONAL SUMMARY

Mr. Palkewicz is a Professional Engineer and Project Manager with licenses in Maryland, Virginia and Delaware, with over 25 years of experience successfully overseeing all phases of planning, engineering and survey projects for government and private-sector clients. He is a highly skilled team leader, detail oriented with the ability to solve problems with limited resources while never losing sight of the big picture.

SPECIAL PROJECT EXPERIENCE

- **Pot-Nets Bayside, Sussex County, DE** – Provided design and permitting drawings for the rehabilitation and replacement of approximately 10,000 lf of vinyl marina bulkhead including dozens of piers, hundreds of piles and two boat launching facilities.
- **Pelican Point, Sussex County, DE** – Prepared construction drawings and plats for a 379 unit residential along Rte 5 outside of Long Neck. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station
- **Chase Oaks, Sussex County, DE** – The civil engineer project manager for this 253 unit coastal area cluster subdivision located on Robinsonville Road. The project included planning, entitlement, roadway, grading, stormwater management, sanitary sewer, pump station and DelDOT entrance design.
- **Headwater Cove, Sussex County, DE** – Prepared construction drawings and plats for a 163 unit residential subdivision on Dorman Road. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station.

Jamie Whitehouse

From: islanddiver2003 <islanddiver2003@yahoo.com>
Sent: Thursday, September 9, 2021 3:48 PM
To: Planning and Zoning
Subject: Against 2021-4 Fairmont

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear members of the planning and zoning boards,

My name is Janet Sullins and I live at 23242 Hollyville Rd., across from the proposed idiotic subdivision.

People come to Sussex County because it's Slower lower Delaware, but now, it's only slower because you can't get anywhere on Rte. 1. Not only do we not need another gargantuan fake neighborhood, Hollyville Rd is not the place for one. And if there are another planned for 200 houses barely a mile further west, then that is just true idiocy.

Hollyville Rd is dangerous and narrow. There are no shoulders, only ditches. People come around the blind curve at appropriately named Hurdle Ditch Rd., and wind up in the ditch, taking out mailboxes....mine was first taken out 4 days after I moved in/installed it. Others have had theirs out multiple times also. Adding approximately 200 cars to the daily mix is not a wise move. If you dont go ahead with this, you won't be fixing problems later

I am on a national site called NextDoor, and at least once every week, I see posts from people in local communities complaining of cars being broken into, or even having bicycles stolen out of open garages in broad daylight . We rather enjoy living in a safe stretch where we don't worry if we go out and forget to lock up. These fake neighborhoods entice criminals to park and sneak around.

Another thing to be considered is the long term occupation of these houses. Most people moving here are retirees, and in 20 or 30 years will be in assisted living or dead. There is not the population behind them who are going to fill the vacancies. Instead of buying these mcmansions which are thrown up in 30 days or so, perhaps they should be encouraged to restore one of the many homes in disrepair. And keep those on the tax rolls.

Just because you can grant permission for these to be built, doesn't mean you should. The onus is on you to make the ethical decision to preserve the land...and our watertable! Oh, by the way... That tract is practically a wetland.

Thank you for listening,
Janet Sullins

Sent from my Verizon, Samsung Galaxy smartphone

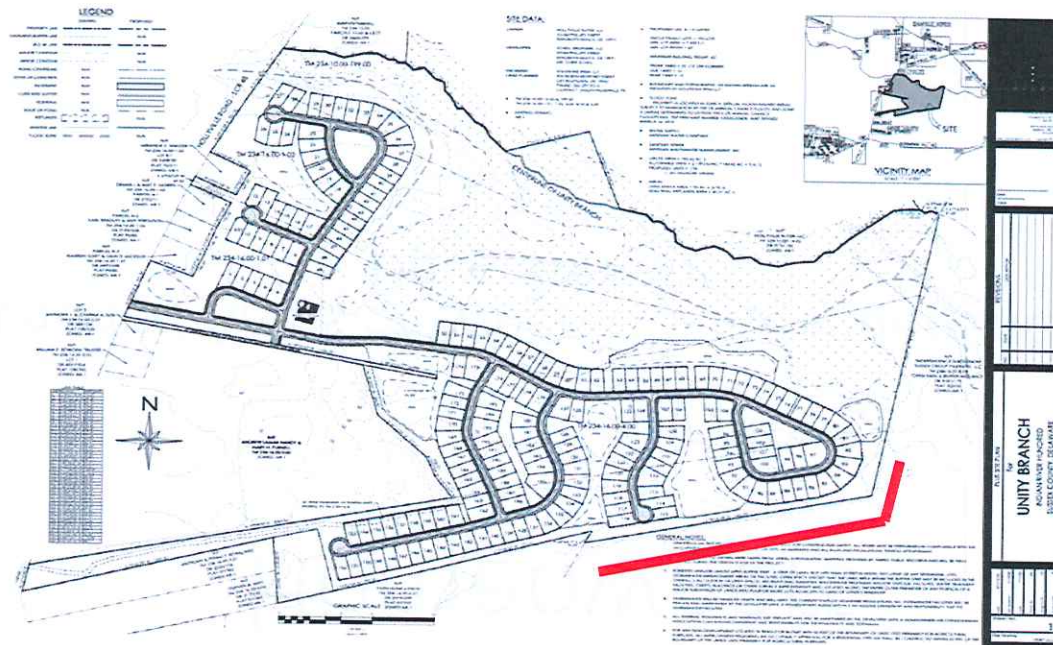
RECEIVED

SEP 08 2021

SUSSEX COUNTY
PLANNING & ZONING

Unity Branch (UB) Development Effects on The Independence Homeowners

- Wooded Areas between UB and Independence
Developments

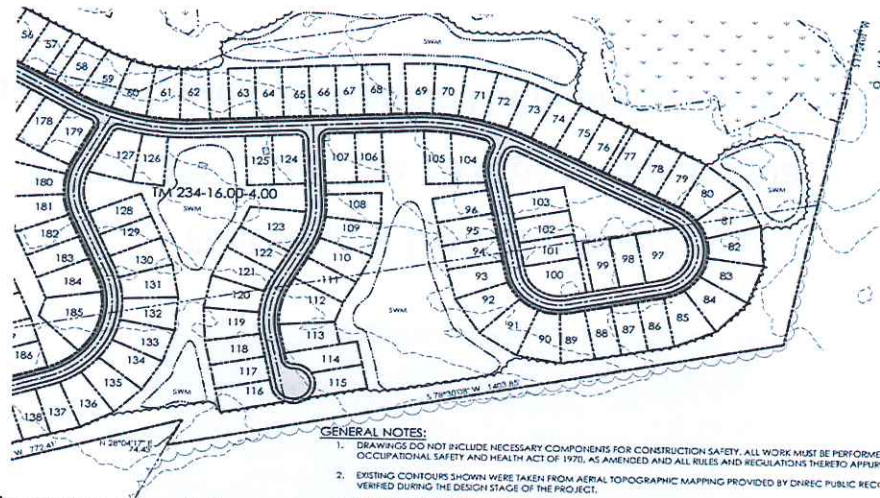


Unity Branch development

- 24 Independence homesites effected (red line area)
- Average \$25,000 lot premiums paid for "Wooded Lots"
- Total of approximately \$600,000 paid by 24 Independence homeowners at closing



- First cone is Lot 250 property line
- 2nd cone is the 20 ft of common area
- 3rd cone is the 30 ft area defined on Unity Branch as the new wooded line



- Area of concern for 24 Independence homesites losing the forested backyards that premiums were paid for.
- Request Unity Branch (UB) developer look into increasing the “Wooded Line” buffer zone by 50 feet.

AND/OR

- Do not remove trees from the “Wooded Line” area between the two communities. Plant more trees/shrubs/conifers in the “Wooded Line” area between the two communities. This would consist of 3 rows of plants/trees in the buffer zone. First a row of shrubs as close to the Independence property line, followed by a row of conifers in the middle and finally any hardwoods that could be planted closest to the UB property line to alleviate visual and sound concerns for both developments

Unity Branch development effects on the Independence Homeowners – Drainage Issues

I am Sal Guida. I live at 29590 Patrick Henry Circle in the Independence Community. My house backs up to the proposed Unity Branch Community (UBC) sometimes referred to as Turnberry.

I, and some of my neighbors who also back up to the proposed UBC, have had problems with standing water both on our property and Community property. The water abuts the UBC community property.

I first brought this problem to the attention of the Schell Construction Manager while my house was being built in July 2019. We have since discussed this problem with Schell Brothers Builders, Ocean Atlantic, and the Sussex Conservation District. Schell Brothers and Ocean Atlantic have agreed to correct this problem and other standing water problems in the Community. But the corrections have not been made.

This issue, in addition to making portions of our property unusable, creates an environment conducive to mosquito breeding and often makes mowing impossible. I believe that it reduces the value of our homes, not only those effected by the flooding, but our community as well.

I am concerned that the removal of more trees will make the flooding problem worse.

Since Unity Branch is also a Schell Brothers community, I request that you make remediation of these problems prior to the start of construction a condition in the approval process.

I have attached two photos taken from my yard. One is looking east and the other looking west.

I invite all of you to visit my property to see the problems.

Thank you.

Sal Guida





RECEIVED

SEP 08 2021

Unity Branch Development Impact on Independence Homeowners

Privacy, Premiums, 55+ Community

SUSSEX COUNTY
PLANNING & ZONING

The Unity Branch development will directly impact 42 Independence residents on 24 lots, and indirectly impact Independence overall. Other residents are equally concerned with the minimal buffer and 203 have signed a petition requesting that the distance between Unity Branch and Independence be increased by an additional 50' of woods (80' of woods in total) on the Unity Branch side.

The proposed 30' buffer is not sufficiently dense enough to secure our privacy. Independence residents can see clearly through to the 30' marker. A Schell Brothers' representative has referred to it as a 50' buffer, by including the Independence 20' of common area at the end of Independence residents' property line, but that 20' is just grass, no trees, therefore no visual buffer.

The homeowners on these 24 lots made very deliberate decisions to pay extra -- most paying a \$25,000 premium -- for a wooded lot to ensure privacy in retirement. These are our dream houses in a 55+ community. With the current proposed buffer, the Unity Branch development -- which is not a 55+ community -- with its 195 homes, ponds and other structures will likely be visible and audible to us. If trees are cleared past that 30' marker, it will ruin the backyards of these 24 lots and likely decrease real estate value.

In light of the hundreds of thousands of dollars paid specifically for wooded lots and to insure our privacy and our 55+ community, we request that the Planning and Zoning Commission make it a condition in the approval process to increase the buffer by 50' wooded feet on the Unity Branch side. A possible solution could be shortening the lots to be sold at Unity Branch that back up to Independence to preserve the forest.

Thank you.

RECEIVED

SEP 08 2021

Petition Against 2021-05 Unity Branch

SUSSEX COUNTY
PLANNING & ZONING

Petition Summary: Requesting Unity Branch Development increase the distance between Independence and Unity Branch by 50 feet and that this buffer remain wooded.

We, the undersigned, residents of Sussex County, Delaware, request that the proposed Unity Branch Development increase its wooded buffer that borders the Independence Development lots 233-257 on Patrick Henry Circle, Andrew Jackson Drive and Francis Marion Court by 50 feet for the following reasons:

Most Independence residents have paid \$25,000 premiums, some even higher, for a wooded lot to ensure their privacy.

Unity Branch Development's proposed 30' buffer is not a sufficiently dense buffer as it consists of evergreen and deciduous trees creating an area that is sparse at eye level. To insure privacy for both developments, we request the buffer be increased by 50' and consist of a minimum 3-row, staggered planting consisting of shrubs, conifers and hardwood trees to be added or remain as part with the shrub line closest to the Independence property line, then the conifers in the middle, and finally any hardwoods on the Unity Branch development side of the line. The deforestation of trees beyond the proposed 30' buffer will rob residents of their privacy and possibly devalue their property.

The clearing of trees on the Unity Branch border with Independence could adversely impact already existing drainage issues for Independence residents who have been experiencing flooding problems.

An 80' wooded buffer of mature trees enables both Independence residents and Unity Branch residents to have a natural barrier, ensuring their privacy and comfort. It will also provide the developer of Unity Branch Development the opportunity to sell wooded lots at a premium.

Since Schell Brothers is the developer of both properties, it is in their control and best interest to create a harmonious environment.

| | Name (Printed) | Signature | Address | Date |
|----|----------------------------|----------------------------|--|--------|
| 1 | William S. McGloin | <i>William S. McGloin</i> | 29576 Patrick Henry Cir Millsboro DE | 9/6/21 |
| 2 | PAULA GANZI MCGLOIN | <i>Paula Ganzi McGloin</i> | 29576 Patrick Henry Circle, Millsboro DE 19966 | 9/6/21 |
| 3 | Kim Barnes | <i>Kim Barnes</i> | 29719 Frankline Road in Millsboro, DE 19966 | 9/6/21 |
| 4 | Tom Barnes | <i>Tom Barnes</i> | " " | 9/6/21 |
| 5 | WENNY MORELLI | <i>Wenny Morelli</i> | 30191 Ethan Allen Ct | 9-6-21 |
| 6 | Serry Baker | <i>Serry Baker</i> | " " | 10-1 |
| 7 | S BEZAK | <i>S Bezak</i> | 23817 Sam Adams Circle | 9-6-21 |
| 8 | BOB ALPADO | <i>Bob Alpado</i> | 29585 Patrick Henry Cir | 9-6-21 |
| 9 | THOMAS GEALY | <i>Thomas Gealy</i> | 29581 Patrick Henry Circle Millsboro, DE 19966 | 9-6-21 |
| 10 | <i>Christine M. Alough</i> | <i>Christine M. Alough</i> | 29581 Patrick Henry Circle Millsboro, DE 19966 | 9-6-21 |
| 11 | CHRISTINE ALLOUGH | <i>Christine Alough</i> | 29585 Patrick Henry Cir Millsboro, DE 19966 | 9-6-21 |
| 12 | Christine M. Alough | <i>Christine M. Alough</i> | " " | 9-6-21 |
| 13 | Sean Boyajian | <i>Sean Boyajian</i> | 29582 Andrew Jackson Dr. Millsboro, DE 19966 | 9-6-21 |
| 14 | Joan Boyajian | <i>Joan Boyajian</i> | " " | 9-6-21 |

08 2021

COUNTY
ZONING

Petition Against 2021-05 Unity Branch

Petition Summary: Requesting Unity Branch Development increase the distance between Independence and Unity Branch by 50 feet and that this buffer remain wooded.

We, the undersigned, residents of Sussex County, Delaware, request that the proposed Unity Branch Development increase its wooded buffer that borders the Independence Development lots 233-257 on Patrick Henry Circle, Andrew Jackson Drive and Francis Marion Court by 50 feet for the following reasons:

Most Independence residents have paid \$25,000 premiums, some even higher, for a wooded lot to ensure their privacy.

Unity Branch Development's proposed 30' buffer is not a sufficiently dense buffer as it consists of evergreen and deciduous trees creating an area that is sparse at eye level. To insure privacy for both developments, we request the buffer be increased by 50' and consist of a minimum 3-row, staggered planting consisting of shrubs, conifers and hardwood trees to be added or remain as part with the shrub line closest to the Independence property line, then the conifers in the middle, and finally any hardwoods on the Unity Branch development side of the line. The deforestation of trees beyond the proposed 30' buffer will rob residents of their privacy and possibly devalue their property.

The clearing of trees on the Unity Branch border with Independence could adversely impact already existing drainage issues for Independence residents who have been experiencing flooding problems.

An 80' wooded buffer of mature trees enables both Independence residents and Unity Branch residents to have a natural barrier, ensuring their privacy and comfort. It will also provide the developer of Unity Branch Development the opportunity to sell wooded lots at a premium.

Since Schell Brothers is the developer of both properties, it is in their control and best interest to create a harmonious environment.

| | Name (Printed) | Signature | Address | Date |
|----|-------------------|--------------------|------------------------------------|--------|
| 15 | Sharon Langston | Sharon B. Langston | 29716 E. Roosevelt | 9/6/21 |
| 16 | R.L. Lampron | R.L. Lampron | " " | 9/6/21 |
| 17 | Cynthia Beggs | WLB | 29438 Andrew Jackson Dr. Millsboro | 9/6/21 |
| 18 | Ron Rollman | Ronald Rollman | 29537 Patrick Henry Circle | 9/6/21 |
| 19 | M. Rollman | M. Rollman | 29537 PHC | 9/6/21 |
| 20 | Susan Farinacci | Susan A. Farinacci | 23595 Francis Marion Ct | 9/6/21 |
| 21 | Gene Farinacci | Gene Farinacci | 23595 Francis Marion Cr | 9/6/21 |
| 22 | David Flogg | David Flogg | 29438 Andrew Jackson Dr. | 9/6/21 |
| 23 | J. KARANTZALIS | Karantzalis | 29480 ANDREW JACKSON DR | 9/6/21 |
| 24 | Maria Karantzalis | Maria Karantzalis | 29480 ANDREW JACKSON DR | 9/6/21 |
| 25 | Gloria K DeLoro | Gloria K DeLoro | 29435 Andrew Jackson Dr | 9/6/21 |

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Petition Against 2021-05 Unity Branch

SUSSEX COUNTY
PLANNING & ZONING

Petition Summary: Requesting Unity Branch Development increase the distance between Independence and Unity Branch by 50 feet and that this buffer remain wooded.

We, the undersigned, residents of Sussex County, Delaware, request that the proposed Unity Branch Development increase its wooded buffer that borders the Independence Development lots 233-257 on Patrick Henry Circle, Andrew Jackson Drive and Francis Marion Court by 50 feet for the following reasons:

Most Independence residents have paid \$25,000 premiums, some even higher, for a wooded lot to ensure their privacy.

Unity Branch Development's proposed 30' buffer is not a sufficiently dense buffer as it consists of evergreen and deciduous trees creating an area that is sparse at eye level. To insure privacy for both developments, we request the buffer be increased by 50' and consist of a minimum 3-row, staggered planting consisting of shrubs, conifers and hardwood trees to be added or remain as part with the shrub line closest to the Independence property line, then the conifers in the middle, and finally any hardwoods on the Unity Branch development side of the line. The deforestation of trees beyond the proposed 30' buffer will rob residents of their privacy and possibly devalue their property.

The clearing of trees on the Unity Branch border with Independence could adversely impact already existing drainage issues for Independence residents who have been experiencing flooding problems.

An 80' wooded buffer of mature trees enables both Independence residents and Unity Branch residents to have a natural barrier, ensuring their privacy and comfort. It will also provide the developer of Unity Branch Development the opportunity to sell wooded lots at a premium.

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| | Name (Printed) | Signature | Address | Date |
|----|------------------------|-------------|-----------------------------|--------|
| 26 | Barb Caputo | [Signature] | 29597 PATRICK Henry | 9-6-21 |
| 27 | Carol Gurling | [Signature] | 23808 Sam Adams | 9-6-21 |
| 28 | LISA SCHWARTZ | [Signature] | 29492 ANDREW JACKSON DR | 9-6-21 |
| 29 | Joe + Ev. Quinlan | [Signature] | 23855 SAM ADAMS dr. | 9-6-21 |
| 30 | JAMES E. McLEERY | [Signature] | 34022 BENJAMIN FRANKLIN HWY | 9/6/21 |
| 31 | Rosemary + Ivar Nelson | [Signature] | 23835 Sam Adams | 9-6-21 |
| 32 | SCOTT KESTEL | [Signature] | 29612 MARTIN VAN BUREN DR | 9/8/21 |
| 33 | Regina McShane | [Signature] | 29604 Martin Van Buren Dr | 9/8/21 |
| 34 | James McShane | [Signature] | 29604 Martin Van Buren Dr | 9-8-21 |
| 35 | M. DeGuglielmo | [Signature] | 29501 PATRICK HENRY CIRCLE | 9/6/21 |
| 36 | Patrick Ottens | [Signature] | 29520 Patrick Henry Circle | 9/6/21 |
| 37 | Ellen Goffa | [Signature] | 29629 Martin Van Buren Dr. | 9/6/21 |
| 38 | Roger McLevey | [Signature] | 29487 Andrew Jackson Dr. | 9/6/21 |

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|----|----------------|-----------------------|--|----------|
| 39 | LINDA LEWIS | <i>Linda Lewis</i> | 24004 Benjamin Harrison Circle | 9/6/21 |
| 40 | TIM IERARDI | <i>Tim Ierardi</i> | 24101 Benjamin Harrison Circle | 9/6/21 |
| 41 | PETER BOGETT | <i>Peter Bogett</i> | 24004 Benjamin Harrison Cir Millsboro, DE 19966 | 9/6/21 |
| 42 | KATHI MCCARTHY | <i>Kathi McCarthy</i> | 29490 Andrew Jackson Dr Millsboro, DE 19966 | 9-6-21 |
| 43 | DAN MCCARTHY | <i>Dan McCarthy</i> | 29490 ANDREW JACKSON DR MILLSBORO, DE 19966 | 9/6/21 |
| 44 | Patricia Guida | <i>Patricia Guida</i> | 29590 Patrick Henry Circle (P) Millsboro, DE 19966 | 9-6-21 |
| 45 | SAL Guida | <i>Sal Guida</i> | 29590 Patrick Henry Cir Millsboro, DE 19966 | 9-6-2021 |

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|----|-----------------------|---------------------------|--|--------|
| 46 | Barbara Khondel | <i>B Khondel</i> | 23596 Francis Marion Court | 9/6/21 |
| 47 | JANDA DeGuelichnis | <i>J DeGuelichnis</i> | 21501 PATRICK Henry Cir | 9/6/21 |
| 48 | Jane Pritchett | <i>Jane Pritchett</i> | 21650 Martin Van Buren Dr. | 9/6/21 |
| 49 | Susan O'Hara | <i>Susan O'Hara</i> | 21520 Patrick Henry Circle Millsboro, DE | 9/6/21 |
| 50 | Kathy Elkhart | <i>Kathy Elkhart</i> | 21650 Martin Van Buren | 9/6/21 |
| 51 | Yvonne Iellariello | <i>Yvonne Iellariello</i> | 24010 Benjamin Harrison Circle | 9/6/21 |

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|----|-----------------------|-------------|---|--------|
| 52 | STEVEN GADBOIS | [Signature] | 24026 BENTHAM PATRICK HENRY CIRCLE MILLSBORO DE 19966 | 9-6-21 |
| 53 | Sherril Gadbois | [Signature] | 24026 Benjamin Harmon Dr. Millsboro DE 19966 | 9-6-21 |
| 54 | Deb Blatt | [Signature] | 29375 Andrew Jackson Dr. Millsboro DE 19966 | 9-6-21 |
| 55 | Marilyn Haynos | [Signature] | 29449 Andrew Jackson Drive Millsboro, Delaware | 9-6-21 |
| 56 | JANICE Cibelli | [Signature] | 23855 BETY ROSS LN Millsboro DE | 9-6-21 |
| 57 | Amiro "Giz" Gutierrez | [Signature] | 29681 F. ROOSEVELT LN MILLSBORO, DE | 9-6-21 |

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|----|----------------------|--------------------------|--|--------|
| 58 | PHYLLIS GUTZMERTL | <i>Phyllis Gutzmirtl</i> | 29681 Franklin Roosevelt Ln Millsboro, DE 19966 | 9-6-21 |
| 59 | GARY SIMONE | <i>Gary Simone</i> | 29676 Franklin Roosevelt Ln Millsboro, DE 19966 | 9-6-21 |
| 60 | Patricia Simone | <i>Patricia Simone</i> | 29676 Franklin Roosevelt Ln Millsboro, DE 19966 | 9/6/21 |
| 61 | Sheri McAlevey | <i>Sheri McAvey</i> | 29487 Andrew Jackson Millsboro DE 19966 | 9/6/21 |
| 62 | AUDREY BONNETT | <i>Audrey Bonnett</i> | 30192 ETHAN ALLEN MILLSBORO 19966 | 9.6.21 |
| 63 | Cathy Farinelli | <i>Cathy Farinelli</i> | 29156 ABIGAIL PARKS MILLSBORO DE | 9-6-21 |

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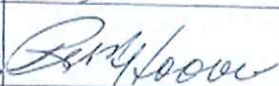
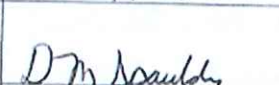
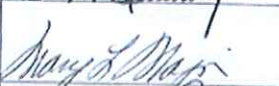

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|----|----------------|---|---|--------|
| 64 | DAVID MAJOR |  | 30165 ETHAN ALLEN | 9/6/21 |
| 65 | Tom FARINELLI |  | 29156 Abigail Adams | 9/6/21 |
| 66 | Ross Hoover |  | 23605 THOMAS PAINE DR. M. I. DE 19966 | 9/6/21 |
| 67 | DM SPAULDING |  | 2314 Samuel Muns Circle MILLSBORO DE | 9/6/21 |
| 68 | MARY MAJOR |  | 30165 ETHAN ALLEN CT. 19966 | 9-6-21 |
| 69 | Margaret Rupp |  | 23831 Samuel Adams Cir MILLSBORO, DE 19966 | 9-6-21 |

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|----|----------------------------|-------------|-----------------------------------|-------------------|
| 70 | Jim Quackenbush | | 29197 Martin Van Buren | 9/6/21 |
| 71 | V Quackenbush | | 29597 Martin Van Buren Dr. | 09/06/21 |
| 72 | Gary Frenson | | 29615 Martin Van Buren Dr | 9/6/21 |
| 73 | Diane Frenson | | 29615 Martin Van Buren Dr | 9/6/21 |
| 74 | Bruce Romick | | 23713 S.A. Rd | 9/6/21 |
| 75 | Catherine Rahn | | 23713 S.A.C. | 9/6/21 |
| 76 | LINDA KRAK | | 29582 PATRICK HENRY Cir. | 9/6/21 |
| | George McDonald | | 29160 Abigail Adams DR | 9/6/21 |
| 77 | Cathy McDonald | | 29160 Abigail Adams DR | 9/6/21 |
| 78 | Martha Bonli | | 29601 Patrick Henry Cir | 9/6/21 |

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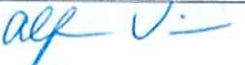

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|----|-------------------------|---|---|--------|
| 79 | JOHN MIKLAVIC |  | 29607 PATRICK HENRY CIR MILLSBORO, DE 19966 | 9/6/21 |
| 80 | Julie Miklavic |  | 29607 Patrick Henry Circle Millsboro DE 19966 | 9/6/21 |
| 81 | Barbara Lewis |  | 29606 Patrick Henry Circle | 9/6/21 |
| 82 | Ren Levine |  | 29606 Patrick Henry Circle | 9/6/21 |
| 83 | MITCH KRAFT |  | 29582 PATRICK HENRY CIRCLE MILLSBORO, DE 19966 | 9/6/21 |
| 84 | RICK BONTI |  | 29601 PATRICK HENRY CIRCLE | 9/6/21 |
| | MARTHA BONTI | | " " " " | " |
| 85 | Alfonse Vico |  | 23853 Betty Ross Ln | 9/6/21 |
| 86 | Alfonse Vico |  | 23853 Betty Ross Lane | 9/6/21 |

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|----|------------------|---------------------------|---|----------|
| 67 | Fred D. Sisto | <i>Fred D. Sisto</i> | 29500 Andrew Jackson Dr. Millsboro DE 19966 | 9/6 |
| 68 | Chris D. Sisto | <i>Christine D. Sisto</i> | 29500 Andrew Jackson Dr. Millsboro DE 19966 | 9/6 |
| 89 | Madelyn Thompson | <i>Madelyn Thompson</i> | 30190 Ethan Allen Ct Millsboro, DE 19966 | 9/6 |
| 90 | Rich Thompson | <i>Rich Thompson</i> | 30190 Ethan Allen Ct Millsboro, DE 19966 | 9/6 |
| 91 | RENEE SHULLEN | <i>Reene Shullen</i> | 29642 MARTIN VAN BUREN MILLSBORO, DE 19966 | 9/6 |
| 92 | PAT NUOTOLA | <i>Patricia Nuotola</i> | 29506 PATRICK HENRY CIR. MILLSBORO, DE 19966 | 9/6/2021 |

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|----|----------------------------------|------------------|---|--------|
| 93 | DENNIS Nucato/A | Dennis Nucato | 28506 PATRICK Henry Cir MILLSBORO DE 19966 | 9/6/21 |
| 94 | Raymond Lacey | Raymond Lacey | 29631 Patrick Henry Cir Millsboro, DE 19963 | 9/6/21 |
| 95 | Carlene Whitfel | Carlene Whitfel | 29774 Samuel Adams Cir Millsboro, DE 19966 | 9/6/21 |
| 96 | Arlene Gordon | Arlene Gordon | 23814 SAC Millsboro, DE | 9/6/21 |
| 97 | ALLAN Goldeden | ALLAN Goldeden | 23774 Samuel Adams Cir Millsboro, DE | 9/6/21 |
| 98 | Nancy Chazyjaska PT952/nsk | Nancy Chazyjaska | 29614 Martin Van Buren Dr Millsboro DE 19966 | 9/6/21 |

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|-----|-----------------------|-------------|--------------------------------------|--------|
| 99 | MaryBeth Jones | MB Jones | 29594 Patrick Henry Cir. | 9-6-21 |
| 100 | Tom Jones | [Signature] | LOT 255 | |
| 101 | Marcy Maxwell | [Signature] | 23694 Samuel Adams Cir 1966 | 9-6-21 |
| 102 | Michael Greaves | [Signature] | " | " |
| 103 | Bill & Sheila Donovan | [Signature] | 29621 Merton Van Buren Millsboro DE. | 9-6-21 |
| 104 | George McDonald | [Signature] | 29160 Abigail Adams | 9/6/21 |
| 105 | Margie Jones | [Signature] | 29325 Andrew Jackson | 9-6-21 |
| 106 | Herb Zinder | [Signature] | 29325 Andrew Jackson | 9-6-21 |

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| | Name (Printed) | Signature | Address | Date |
|-----|----------------|---------------------|----------------------------|--------|
| 107 | Denise Kmetz | <i>Denise Kmetz</i> | 29163 Abigail Adams | 9/6/21 |
| 108 | Rox Kmetz | <i>Rox Kmetz</i> | 29163 Abigail Adams | 9/6/21 |
| 109 | Mario P. H. | <i>M P H</i> | 29164 Abigail Adams | 9-6-21 |
| 110 | Lynn Goodman | <i>Lynn Goodman</i> | 29615 Patrick Henry Circle | 9-6-21 |
| | | | | |
| | | | | |

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SEP 08 2021

Petition Against 2021-05 Unity Branch

SUSSEX COUNTY
PLANNING & ZONING

Petition Summary: Requesting Unity Branch Development increase the distance between Independence and Unity Branch by 50 feet and that this buffer remain wooded.

We, the undersigned, residents of Sussex County, Delaware, request that the proposed Unity Branch Development increase its wooded buffer that borders the Independence Development lots 233-257 on Patrick Henry Circle, Andrew Jackson Drive and Francis Marion Court by 50 feet for the following reasons:

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|-----|------------------|------------------|---|--------|
| 111 | Jane Bognell | Jane Bognell | 29593 Patrick Henry Circle Millsboro | 9/7/21 |
| 112 | RICHARD BAENE | Richard Baene | 29593 PATRICK HENRY CIRCLE MILLSBORO DE | 9/7/21 |
| 113 | CATHERINE ULRICH | Catherine Ulrich | 29580 Patrick Henry Circle Millsboro, DE 19966 | 9/7/21 |
| 114 | Elizabeth Carman | Elizabeth Carman | 29580 Patrick Henry Circle H. Millsboro, DE 19966 | 9/7/21 |
| 115 | GAIL RYAN | Gail Ryan | 23800 Samuel Adams Ct. Millsboro, DE 19966 | 9-7-21 |
| 116 | JUDE RYAN | Jude Ryan | 23800 SAMUEL ADAMS CT. MILLSBORO, DE 19966 | 9-7-21 |

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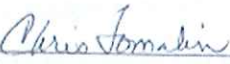

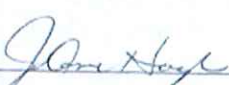
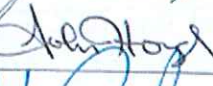

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| | Name (Printed) | Signature | Address | Date |
|-----|----------------|---|--|----------|
| 117 | MAUREEN SMITH |  | 23700 SAMUEL ADAMS CIR MILLSBORO DE 19966 | 9/6/21 |
| 18 | CHRIS TOMALIN |  | MILLSBORO DE 29417 Andrew Jackson Dr. | 9/6/2021 |
| 19 | EILEEN CLARK |  | 29677 Franklin Roosevelt MILLSBORO, DE 19966 | 9/6/21 |
| 20 | JOANNE HOGG |  | 29683 FRL MILLSBORO, DE 19966 | 9/6/21 |
| 21 | JOHN HOGG |  | 29683 FRANKLIN ROOSEVELT LN MILLSBORO DE 19966 | 9/6/21 |
| 22 | JAMES T. SMITH |  | 23700 SAMUEL ADAMS CIRCLE MILLSBORO DE 19966 | 9/6/21 |

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SUSSEX COUNTY
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|-----|------------------|-------------------------|---------------------------|--------|
| 123 | Nathan Wise | <i>Nathan Wise</i> | 23730 Samuel Adams Cir. | 9-6-21 |
| 124 | Cathy Hutcherson | <i>Cathy Hutcherson</i> | 23818 Samuel Adams Circle | 9/6/21 |
| 125 | Kay Brondi | <i>Kay Brondi</i> | 29574 Andrew Jackson | 9/6/21 |
| 126 | PAT JUREWICZ | <i>Pat Jurewicz</i> | 23841 Samuel Adams | 9/6/21 |
| 27 | J Jurewicz | <i>J Jurewicz</i> | " " | " " |
| 128 | RICHARD WABR | <i>Richard Wabr</i> | 23834 Samuel Adams | 9/6/21 |
| 129 | CAROLYN ERB | <i>Carolyn Erb</i> | 29505 PATRICK HENRY CIR | 9/6/21 |

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|-----|----------------------|-----------------------------|-------------------------------|--------|
| 30 | DIANNE HOOVER | <i>Dianne Hoover</i> | 23605 Thomas Park Drive | 9/6/21 |
| 131 | Jean Price | <i>J. Jean Price</i> | 29383 Andrew Jackson Dr | 9/6/21 |
| 32 | Rob PRICE | <i>Rob Price</i> | " " | 9/6/21 |
| 133 | Gordon Hutchinson | <i>Gordon H</i> | 23829 Sam Adams | 9/6/21 |
| 134 | Carol Hutchinson | <i>Carol Hutchinson</i> | " " | 9/6/21 |
| 35 | SUSAN E SAVAN | <i>Susan E Savan</i> | 29620 Patrick Henry Circle | 9/6/21 |

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|-----|-----------------|-----------------|--|--------|
| 136 | Mary Beth Casey | Mary Beth Casey | 23806 Samuel Adams Cir | 9/6/21 |
| 37 | Jim Erb | Jim Erb | 29505 Patrick Henry Cir | 9/6/21 |
| 138 | LORRAINE CALVO | Lorraine Calvo | 23884 Samuel Adams Cir., Millsboro, DE 19966 | 9/6/21 |
| 39 | LOIS FORD | Lois A. Ford | 29491 Andrew Jackson Millsboro, DE 19966 | 9/6/21 |
| 140 | KAREN PARRINO | Brenda Hersh | 29574 Patrick Henry Cir Millsboro DE 19966 | 9-6-21 |
| 41 | Bob Hersh | Bob Hersh | 29574 Patrick Henry Cir Millsboro DE 19966 | 9-6-21 |

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|-----|----------------|---------------|--------------------------|--------|
| 142 | T.N. TOMALIN | T.N. Tomalin | 29417 ANDREW JACKSON DR. | 9/6/21 |
| 143 | Cheryl Perry | Cheryl Perry | 29457 Andrew Jackson | 9/6/21 |
| 144 | Elia B/BA | Elia B/BA | 29375 DD DR | 9/6/21 |
| 145 | Nancy Pascale | Nancy Pascale | 29476 Andrew Jackson Dr | 9/6/21 |
| 46 | DAVID HAZOSKI | DAVID HAZOSKI | 29643 PATRICK HENRY | 9/6/21 |
| 47 | Gina Perry | Gina Perry | 29457 ANDREW JACKSON | 9/6/21 |

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|-----|---------------------|----------------------------|-------------------------|--------|
| 148 | CHRISTOPHER GALEONE | <i>Christopher Galeone</i> | 29175 ABIGAIL ADAMS DR. | 9/6/21 |
| 149 | Rhea McVicker | <i>Rhea McVicker</i> | 29469 Andrew Jackson Dr | 9/6/21 |
| 150 | Barry McVicker | <i>Barry McVicker</i> | 29469 Andrew Jackson Dr | 9/6/21 |
| 151 | Suzanne Callinan | <i>Suzanne Callinan</i> | 29470 ANDREW JACKSON DR | 9/6/21 |
| 152 | John F Callinan | <i>John F Callinan</i> | " " | " |
| 153 | Burt Hutchinson | <i>Burt Hutchinson</i> | 23818 SAMUEL ADAMS | 9/6/21 |

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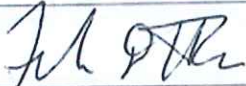
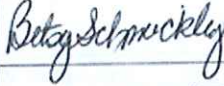
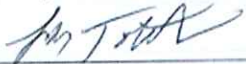

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|-----|----------------------------|---|--|----------|
| 154 | Richard Schmitt |  | 23852 Samuel Adams Cir. Millsboro, DE 19966 | 9/7/21 |
| 155 | Frank & Lucille D. Towno |  | 23710 Samuel Adams Cir. Millsboro DE 19966 | 9/7/21 |
| 156 | Betsy and Bruce Schmuckley |  | 26966 Patrick Henry Cir. Millsboro DE 19966 | 9/7/2021 |
| 157 | LARRY TOOTCHEN |  | 29577 Patrick Henry Circle Millsboro DE 19966 | 9/7/2021 |
| 158 | Sacquette H. Tootchen |  | 29577 Patrick Henry Circle Millsboro DE | 9/2/2021 |
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|-----|----------------|----------------------|---|----------|
| 159 | ANN MELLINGER | <i>Ann Mellinger</i> | 29669 FRANKLIN ROOSEVELT W MILLSBORO DE | 9/6/2021 |
| 160 | Sandra Craig | <i>Sandra Craig</i> | 29500 Patrick Henry Cir., Millsboro | 9/6/2021 |
| 161 | Richard Craig | <i>Richard Craig</i> | 29500 " " " " | 9/6/2021 |
| 162 | Jeff Levine | <i>Jeff Levine</i> | 23600 Samuel Adams Cir " " | 9/6/2021 |
| 163 | Joni Levine | <i>Joni Levine</i> | 23600 Samuel Adams Circle " " | 9/6/2021 |
| 164 | Sandra Fluck | <i>Sandra Fluck</i> | 23743 Samuel Adams Circle " " | 9/6/21 |
| 165 | Pat Morgan | <i>Pat Morgan</i> | 23749 Samuel Adams Circle " " | 9/6/21 |
| 166 | Christina | <i>Christina</i> | 29661 FRANKLIN ROOSEVELT " " | 9/6/2021 |

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|-----|-----------------|-----------------|--|--------|
| 167 | Yelene Wood | Yelene Wood | 29661 Franklin, Roosevelt Ln Millsboro | 9/6/21 |
| 168 | SUSAN BUFFO | Susan Buffo | 28715 Franklin Roosevelt L N M LSR | 9/6/21 |
| 169 | Kathryn Bolster | Kathryn Bolster | 29600 Martin Van Buren, Millsboro | 9/7/21 |
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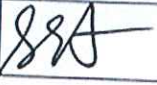
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|--------------------|---|--|--------|
| 170 Ryan T. Asaph |  | 29528 Patrick Henry Circle Millsboro, DE (Independence) | 9/7/21 |
| 171 Susan E. Asaph |  | 29528 Patrick Henry Cir. Millsboro, DE (Unity) | 9/7/21 |
| | | | |
| | | | |

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SUSSEX COUNTY
PLANNING & ZONING

Keep the wooded buffer

27 people have signed this petition. [Add your name now!](#)

3 Comments



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Since Schell Brothers is the developer of both properties, it is in their control and best interest to create a harmonious environment.

Name (Printed)

Signature

RECEIVED

SEP 08 2021

SUSSEX COUNTY
PLANNING & ZONING

Address

Date

Share for Success

Share on Facebook Share on Twitter Share in Messenger

COMMENTS

- Patricia Plitt
Sep 07, 2021
I am on Francis Marion and I will be directly impacted by this development
- Bob Denson
Sep 07, 2021
When we bought here I asked Josh and was told no additional schell houses would be built along that perimeter .
- Michele Parkins
Sep 07, 2021
Keep our buffer!

to comment

SIGNATURES

- 172 • Richard Engelman United States
- 173 • Barbara Karp United States
- 174 • Bill Marijane Schrammel United States
- 175 • Michael Volpe United States
- 176 • Patricia Plitt United States
- 177 • Laurel Druben United States
- 178 • Sondra Lucky United States
- 179 • Bob Denson United States
- 180 • Adrienne Weible United States
- 181 • Ronald Kassenoff United States
- 182 • Michele Parkins United States
- 183 • Fred Bush United States
- 184 • Michael Bobek Jr. United States
- 185 • Robert Campbell United States
- 186 • Jean Thompson United States
- 187 • Jannette Lawrence United States
- 188 • Ann Leisenring United States
- 189 • Suzanne Gruber United States
- 190 • Schaffer Steven United States
- 191 • Colleen Grier United States

- 192 • Ed Madenford United States
- 193 • Qun Zhang United States
- 194 • Shek Wu United States
- 195 • Susan Schaffer United States
- 196 • Gloria Macin United States
- 197 • Carrie Thompsen United States
- 198 • Janet Johnson United States

RECEIVED

SEP 08 2021

SUSSEX COUNTY
PLANNING & ZONING

Petition Against 2021-05 Unity Branch

Petition Summary: Requesting Unity Branch Development increase the distance between Independence and Unity Branch by 50 feet and that this buffer remain wooded.

We, the undersigned, residents of Sussex County, Delaware, request that the proposed Unity Branch Development increase its wooded buffer that borders the Independence Development lots 233-257 on Patrick Henry Circle, Andrew Jackson Drive and Francis Marion Court by 50 feet for the following reasons:

Most Independence residents have paid \$25,000 premiums, some even higher, for a wooded lot to ensure their privacy.

Unity Branch Development's proposed 30' buffer is not a sufficiently dense buffer as it consists of evergreen and deciduous trees creating an area that is sparse at eye level. To insure privacy for both developments, we request the buffer be increased by 50' and consist of a minimum 3-row, staggered planting consisting of shrubs, conifers and hardwood trees to be added or remain as part with the shrub line closest to the Independence property line, then the conifers in the middle, and finally any hardwoods on the Unity Branch development side of the line. The deforestation of trees beyond the proposed 30' buffer will rob residents of their privacy and possibly devalue their property.

The clearing of trees on the Unity Branch border with Independence could adversely impact already existing drainage issues for Independence residents who have been experiencing flooding problems.

An 80' wooded buffer of mature trees enables both Independence residents and Unity Branch residents to have a natural barrier, ensuring their privacy and comfort. It will also provide the developer of Unity Branch Development the opportunity to sell wooded lots at a premium.

Since Schell Brothers is the developer of both properties, it is in their control and best interest to create a harmonious environment.

| | Name (Printed) | Signature | Address | Date |
|-----|-----------------------|-------------------------|-------------------------------|--------|
| 199 | STANLEY KARP | <i>Stanley Karp</i> | 29455 ANDREW JACKSON DR, | 9/7/21 |
| 200 | Billie Hay | <i>Billie Hay</i> | 29444 Andrew Jackson Dr | 9/7/21 |
| 201 | Robert S. Donnelly | <i>Bob Donnelly</i> | 23592 Francis Marion Ct | 9/7/21 |
| 202 | Diane B Donnelly | <i>Diane B Donnelly</i> | 23592 Francis Marion Ct | 9/7/21 |
| 203 | DANLEY KUMMER | <i>Danley Kummer</i> | 23596 Francis Marion Court | 9/7/21 |
| | | | | |

Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

December 13, 2021

BY HAND DELIVERY & EMAIL TO: jamie.whitehouse@sussexcountyde.gov

Jamie Whitehouse, Director
Sussex County Planning & Zoning Office
2 The Circle, P.O. Box 417
Georgetown, DE 19947

**RE: Conditional Use No. 2263
Southern Comfort Delaware, LLC
SCTP No. 134-7.00-143.00**

Dear Mr. Whitehouse:

I am writing to follow-up on our phone conversation this morning. As we discussed, I represent Southern Comfort Delaware, LLC, the applicant for the above-referenced conditional use application. After careful consideration, my client has decided to withdraw the application and will re-file it in the near future. My client respectfully requests that the application be removed from the Planning & Zoning Commission's Agenda for December 16, 2021 since it is being withdrawn. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

MORRIS JAMES LLP



David C. Hutt, Esquire

Cc: Southern Comfort Delaware, LLC
Vincent G. Robertson, Esquire (via: email to vrobertson@pgslegal.com)
Mark H. Davidson (via: email to MDavidson@Pennoni.com)

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: December 16th, 2021

Application: CU 2277 Avalon Woods Owners Association, Inc.

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

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

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

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

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

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

Councilmanic
District: Mr. Schaeffer

School District: Indian River School District

Fire District: Millsboro Fire Department

Sewer: N/A

Water: N/A

Site Area: 0.42 acres +/-

Tax Map ID.: 234-15.00-81.00





Sussex County



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

polygonLayer

Override 1

polygonLayer

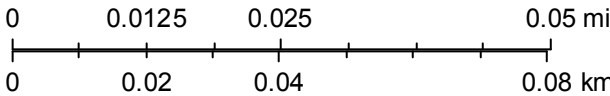
Override 1

⋮ Tax Parcels
911 Address

— Streets

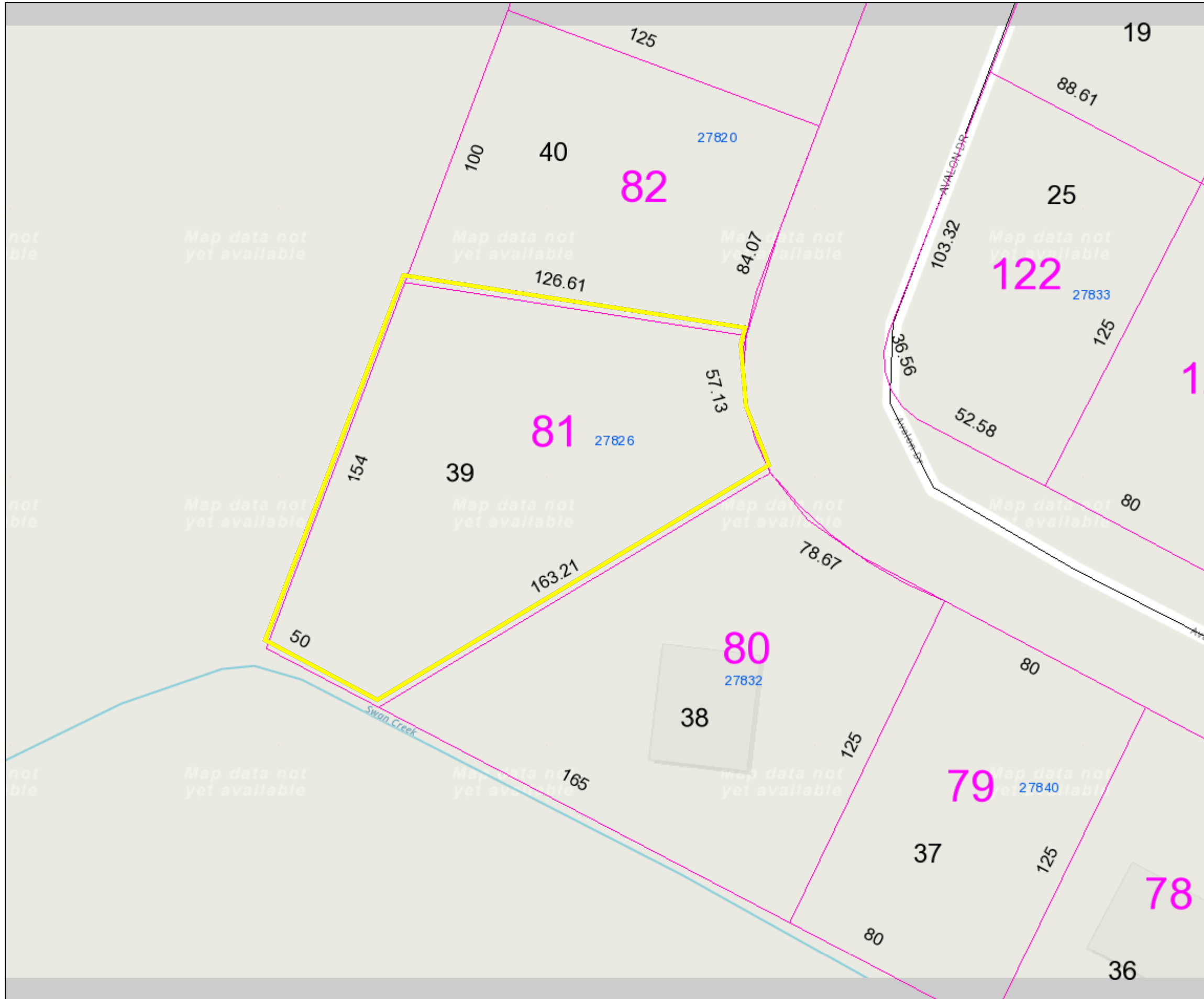
⋮ County Boundaries

1:1,128





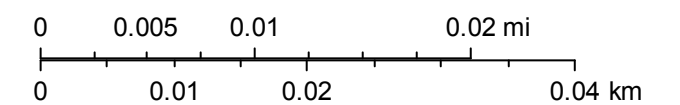
Sussex County

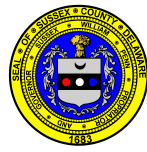


| | | |
|------------------------|-----------------|-----------------|
| PIN: | 234-15.00-81.00 | |
| Owner Name | AVALON | WOODS |
| | OWNERS | ASSOCIATION INC |
| Book | 2474 | |
| Mailing Address | 28076 AVALON DR | |
| City | GEORGETOWN | |
| State | DE | |
| Description | AVALON PARK | |
| Description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

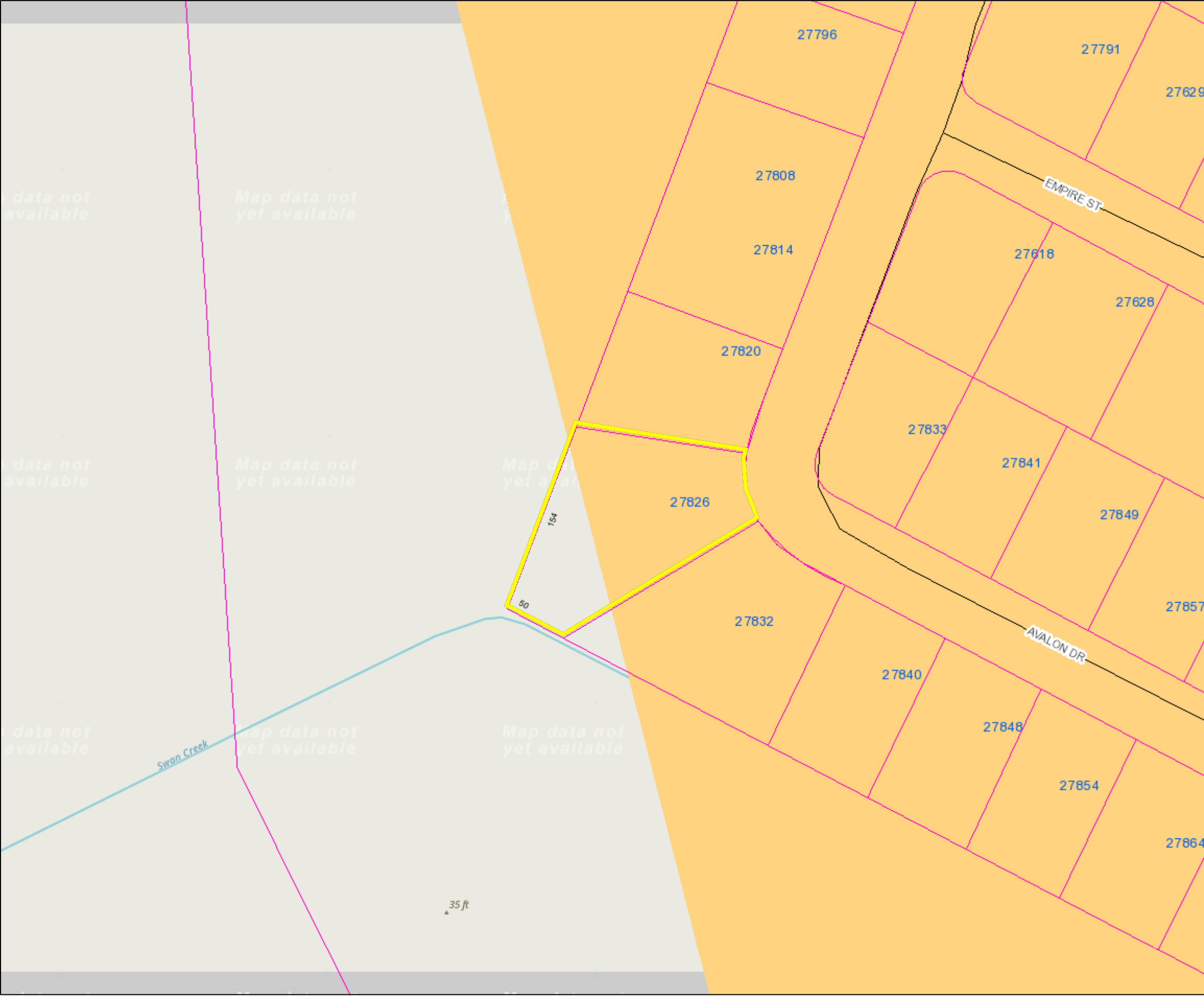
- polygonLayer**
Override 1
- polygonLayer**
Override 1
- ⋯ Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries

1:564





Sussex County



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

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets

File #: C/U 2277
20210449

Planning & Zoning Commission Application Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use ☒

Zoning Map Amendment ☐

Site Address of Conditional Use/Zoning Map Amendment

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

Type of Conditional Use Requested:

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

Tax Map #: 234-15.00-81.00

Size of Parcel(s): _____

Current Zoning: AR1/GR

Proposed Zoning: N/A

Size of Building: 12' x 24'

Land Use Classification: Residential

Water Provider: N/A

Sewer Provider: N/A

Applicant Information

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

Applicant Address: 28076 Avalon Drive

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 258-9824

E-mail: gman201412@gmail.com

Owner Information

Owner Name: Avalon Woods Owners' Association, Inc.

Owner Address: 28076 Avalon Drive

City: Georgetown

State: DE

Zip Code: 19947

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

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

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

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 645-2262

E-mail: mackenzie@bmbde.com



Check List for Sussex County Planning & Zoning Applications


The following shall be submitted with the application

- ☒ **Completed Application**
- ☒ **Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- ☒ **Provide Fee \$500.00**
- ☒ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ☒ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ☒ **DeIDOT Service Level Evaluation Request Response**
- ☐ **PLUS Response Letter** (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 03/19/2021

Signature of Owner



Date: 3/22/2021

For office use only:

Date Submitted: 03/24/2021

Fee: \$500.00 Check #: 2514

Staff accepting application: Chase P 03/25

Application & Case #: CU 2277 202104449

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

Subdivision: Avalon Woods

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

NICOLE MAJESKI
SECRETARY

March 9, 2021

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

Dear Mr. Whitehouse:

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

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

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

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



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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

cc: Avalon Woods, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

10309

#02474 #229

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

NO TITLE SEARCH PERFORMED OR REQUESTED

DEED

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

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

AND

AVALON WOODS OWNERS ASSOCIATION, INC., a Delaware Corporation, of 12 Empire Street, Georgetown, Delaware 19947, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said of the second part, their heirs and assigns,

TRACT 1:

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

TRACT 2:

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

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

Copyright (C) 1988

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

KLM

#02474 #230

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

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

By Frank J. Hantel
President

Attest Frank J. Hantel
Secretary

STATE OF DELAWARE :
COUNTY OF SUSSEX : SS.

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

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



Notary Public

Printed Name of Notary
My Commission Expires:

RECORDER OF DEEDS
SUSSEX COUNTY, DE

Received
APR 4 2000

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

Comp. Charge (Comp. Deed)

Richard Paul Jr.
4/26/00

PA 105304
105304
State of Delaware
STATE TAX DEPT. • • • SUSSEX
JAN '93
REALTY
TRANSFER
TAX
\$ 00.00

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

Sealed and Delivered in the Presence of

Mary M. Griffin
Chas. H. Borch

Jacob E. Brown
Jacob E. Brown
Francis J. Stanitski
Francis J. Stanitski



State of Delaware,

County, ss.

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

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

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

Mary M. Griffin
Notary Public

NOTARY PUBLIC
My Commission Expires February 1, 1984

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

RECORDER OF DEEDS
SUSSEX COUNTY

FILED
JAN 1983
ASSESSMENT DIVISION

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

2932 1972 738 REC 053

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

LORD one thousand nine hundred seventy-four.

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

- and -

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

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

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

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

THOMPSON And REED
ATTORNEYS AT LAW
GEORGETOWN, DELAWARE 19911

3001 738 054

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

KAY DEE CO.

A Corporation of the State of Delaware

By *[Signature]*
President

Attest *H. B. Wright*
Secretary

STATE OF DELAWARE

COUNTY OF SUSSEX

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

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

[Signature]
Notary Public

974 OCT 21 AM 9:25

5162

BOOK 693 PAGE 871

This Deed, made this

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

AND

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

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

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

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

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



LAW OFFICE
 TUNNELL & RAYSON
 GEORGETOWN, DEL.

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

INDIAN RIVER LAND COMPANY

By [Signature] President

Attest ~~Signature~~ ~~Secret~~

STATE OF DELAWARE

IDENTITY OF SUSSEX

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

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

Eugene Molloy
Notary Public

MY COMMISSION EXPIRES APRIL 17, 1973, & IS

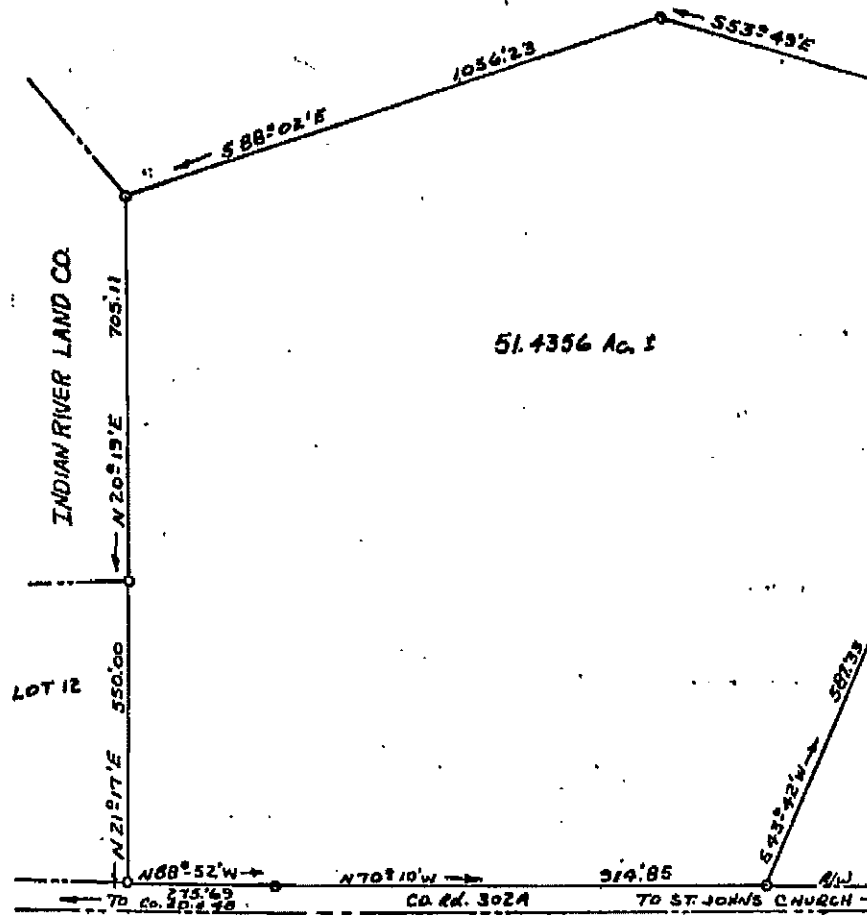
PURCHASERS REPORT MADE
 This 1922 day of December 1922
 Board of Assessment of Sutter County
 By Anna Beach, Clerk
APR 24

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

BOOK 693 PAGE 873

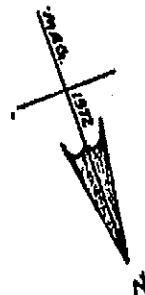
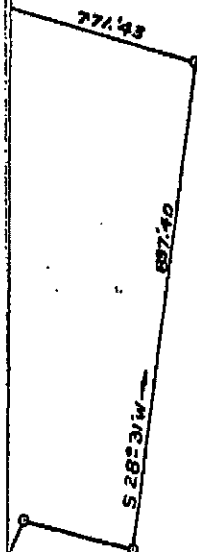
TOWNSENDS INC.

51.4356 Ac. 1



BOOK 693 PAGE 874

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



TOWNSENDS INC.

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

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



00743

BOOK 645 PAGE 520

This Deed, Made this

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

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

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

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

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

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

BOOK 645 PAGE 521

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

Signed, Sealed and Delivered
in the presence of:

Edgar M. Miller
as to both

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



STATE OF DELAWARE } SS.
COUNTY OF SUSSEX }

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

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

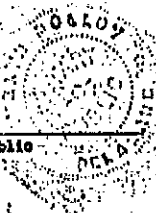
Parties to this Indenture known to me personally to be such, and they
acknowledged this Indenture to be their Deed.

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

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

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

LAW OFFICES
TUNNELL & RAYSON
DOVER, DEL.



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **12/3/2021**

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

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

FILE NO: **NCPA-5.03**

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

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

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

GROSS
ACREAGE: **0.42**

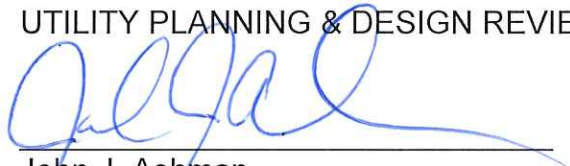
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes ☐ No ☒
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **No** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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



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

March 19, 2021

VIA FEDEX

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

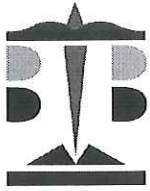
RE: Avalon Woods Owners' Association Conditional Use Application

Dear Mr. Phillips:

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

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

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



BAIRD
MANDALAS
BROCKSTEDT LLC

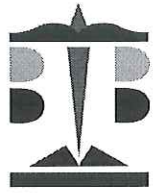
Mackenzie M. Peet
mackenzie@bmbde.com
(302)645-2262

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

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

Sincerely,

Mackenzie M. Peet
/mmp



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT A

Property and Deed Information

Property Information

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

Legal

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

Owners

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

Owner History

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

Land

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

Land Summary

| | |
|-----------------|-------|
| Line | 1 |
| 100% Land Value | 2,500 |

100% Values

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

50% Values

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

Permit Details

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

10309

#02474 #229

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

NO TITLE SEARCH PERFORMED OR REQUESTED

DEED

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

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

AND

AVALON WOODS OWNERS ASSOCIATION, INC., a Delaware Corporation, of 12 Empire Street, Georgetown, Delaware 19947, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said of the second part, their heirs and assigns,

TRACT 1:

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

TRACT 2:

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

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

Coped (Dup. Deed)

Exempt Code: A

Consideration: \$

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

KLM

#02474 #230

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

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

By Frank J. Hantel
President

Attest Frank J. Hantel
Secretary

STATE OF DELAWARE :
COUNTY OF SUSSEX : SS.

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

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



Notary Public

Printed Name of Notary
My Commission Expires:

RECORDER OF DEEDS
SUSSEX COUNTY, DE

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

Received
APR 4 2000

Corp. Div. (Corp. Deed)

Richard Paul Jr.
4/26/00

40000013

13

BOOK 1156 PAGE 105

(No. 44-B)

DEED-TYPEWRITER

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

This Deed, Made this

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

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

A N D

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

Witnesseth, That the said parties of the first part, for and in consideration of the sum of
----- ONE DOLLAR (\$1.00) -----
lawful money of the United States of America,

the receipt whereof is hereby acknowledged, hereby grant and convey unto the said
party of the second part, its Successors and Assigns,

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

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

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

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

Block D - Lots 1 through 28, inclusive; and

Block E - Lots 1 through 25, inclusive.

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

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



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

Sealed and Delivered in the Presence of

Mary M. Griffin
Jas. H. Bask

Jacob E. Brown
Francis J. Stanitski



State of Delaware,

County, ss.

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

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

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

Mary M. Griffin
Notary Public

NOTARY PUBLIC
My Commission Expires February 1, 1984

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

RECORDER OF DEEDS
SUSSEX COUNTY

Assessment Division
DAY OF Jan 1983

B-C. O'Leary
Atty 1/19/83

2932 1981 738 PAGE 053

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

LORD one thousand nine hundred eighty-four.

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

- and -

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

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

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

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

THOMPSON And REED
ATTORNEYS AT LAW
GEORGETOWN, DELAWARE 19917

BOOK 738 PAGE 054

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

KAY DEE CO.

A Corporation of the State of Delaware

By Charles B. King
President

Attest Wm. B. King
Secretary

STATE OF DELAWARE

COUNTY OF SUSSEX

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

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

Notary Public

1974 OCT 21 AM 9:25

5162

BOOK 693 PAGE 871

This Deed, made this

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

AND

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

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

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

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

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



LAW OFFICES
 TUNNELL & RAYSON
 GEORGETOWN, DEL.

BOOK 693 PAGE 872

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

INDIAN RIVER LAND COMPANY

By [Signature]
President

Attest [Signature]
Secretary



STATE OF DELAWARE
COUNTY OF SUSSEX

} ss.

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

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

[Signature]
Notary Public

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

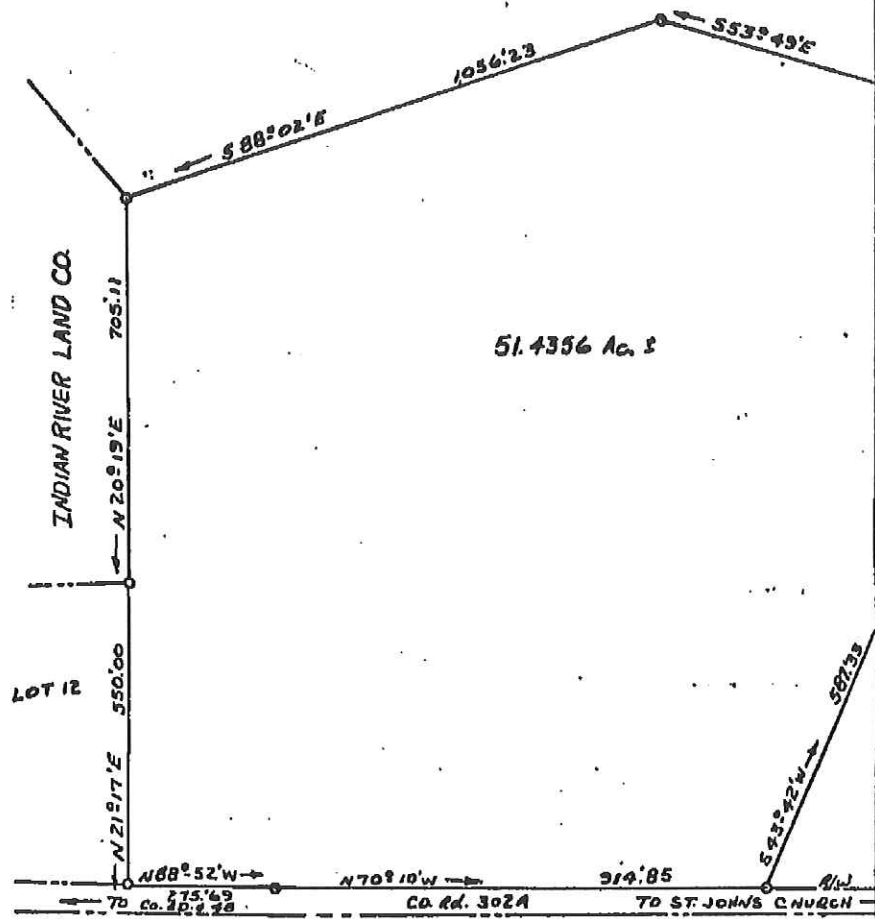
PURCHASERS REPORT MADE
This 14th day of December 1972
Board of Assessment of Sussex County
By Anna Beach, Clerk
P.M.

LOW COPY
TUNNICLIFFE HAYDON
CHICAGO, ILL.

BOOK 693 PAGE 873

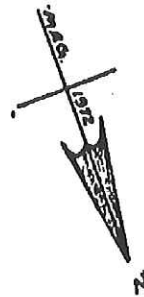
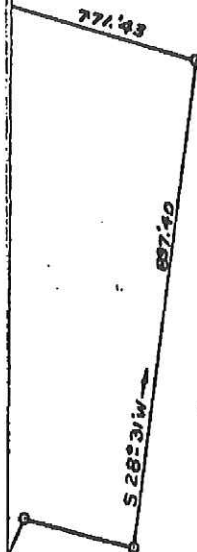
TOWNSENDS INC.

51.4356 Ac. ±



BOOK 693 PAGE 874

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



TOWNSENDS INC.

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



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



00743

BOOK 645 PAGE 520

This Deed, Made this

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

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

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

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

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

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

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

Signed, Sealed and Delivered
in the presence of:

Edgar Moley
as to him

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



STATE OF DELAWARE } ss.
COUNTY OF SUSSEX }

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

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

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

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

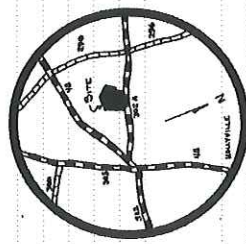
GIVEN under my Hand and Seal of Office, the day and year aforesaid.

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

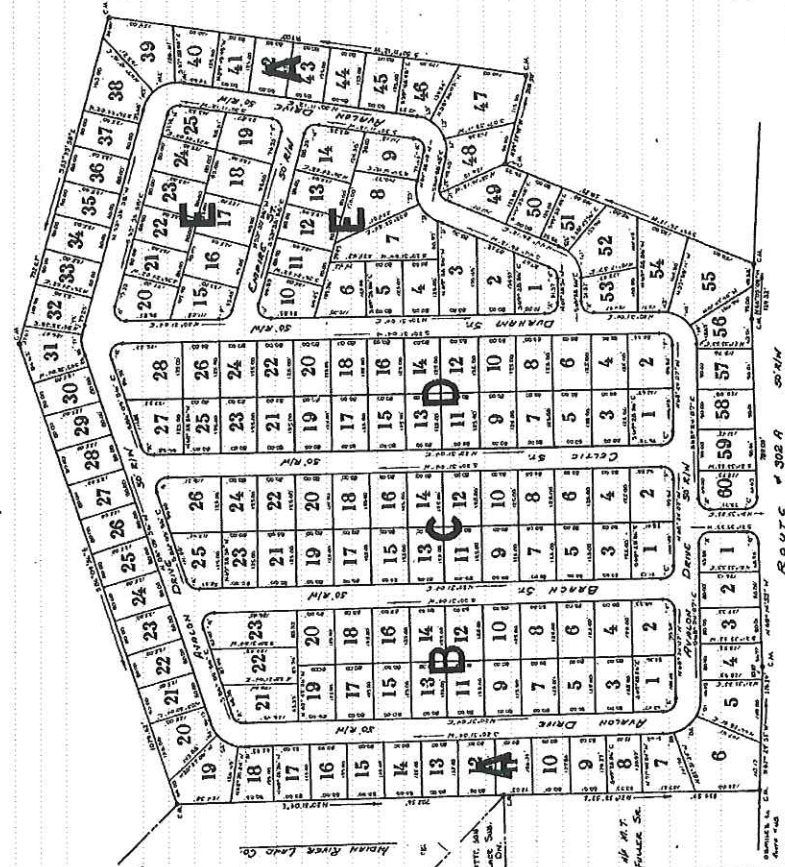
PURCHASERS REPORT MADE
This 5th day of September 1969
Board of Assessment of Sussex County
My Commission Expires April 10, 1971



LAW OFFICE
TUNNELL & RAYSON
Georgetown, Del.



Lands of Townsend Inc.



Lands of Townsend Inc.

Book 8 Page 71
10-1-75
10-1-75
10-1-75

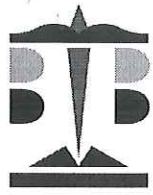
NOTE: ALL LOTS ARE TO BE USED FOR THE PURPOSES SET FORTH IN THE SUBDIVISION MAP. ANY OTHER USE OF THE LOTS IS AT THE OWNER'S RISK. THE SUBDIVISION MAP IS THE ONLY AUTHORITY FOR THE LOCATION AND BOUNDARIES OF THE LOTS. THE SUBDIVISION MAP IS THE ONLY AUTHORITY FOR THE LOCATION AND BOUNDARIES OF THE LOTS.

AVALON PARK

Subdivision
Lands of Townsend Inc.

10-1-75
10-1-75
10-1-75
10-1-75

| Census Data | | | | | | | | | |
|-------------|-----------|------------|------|--------|-------|-------|----------|-------|------------|
| Block | Household | Population | Male | Female | White | Black | Hispanic | Other | Unemployed |
| 1 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 2 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 3 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 4 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 5 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 6 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 7 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 8 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 9 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 10 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 11 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 12 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 13 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 14 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 15 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 16 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 17 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 18 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 19 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 20 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 21 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 22 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 23 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 24 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 25 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 26 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 27 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 28 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 29 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 30 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 31 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 32 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 33 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 34 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 35 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 36 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 37 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 38 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 39 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 40 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 41 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 42 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 43 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 44 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 45 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 46 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 47 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 48 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 49 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 50 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 51 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 52 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 53 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 54 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 55 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 56 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 57 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 58 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 59 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |
| 60 | 100 | 200 | 100 | 100 | 100 | 0 | 0 | 0 | 0 |



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT B

Survey

[illegible]

LOCATION MAP

[illegible]

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

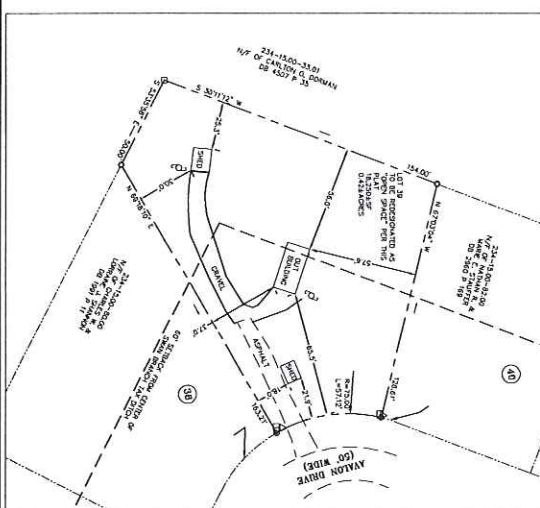
| NAME | DATE |
|--|------|
| MICHAEL S. COFFIN, P.C. 10007 CANTON ROAD DUBLIN, CALIF. 94568 PHONE/TEL (415) 028-9184 | |
| OTHER ORGANIZATIONS/ASSOCIATIONS | |
| I HEREBY CERTIFY THAT I AM THE OWNER/OWNER OF THE PROPERTY SHOWN ON THIS PLAN, THAT THE PLANNING AND DESIGN OF THE PROJECT WAS MY RESPONSIBILITY AND THAT I AM THE PERSON TO BE CONTACTED FOR ANY INFORMATION REGARDING THE PROJECT AND ANY OTHER MATTERS. | |
| I AM NOT A DEVELOPER WITH ANY OTHER DEVELOPMENT PROJECTS. | |

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

APPROVED BY SUMNER COUNTY PLANNING AND ZONING

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

COMMISSION DATE
LOT 39 DETAIL
1"=30'



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

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

LOT 39 RE-DESIGNATION PLAN

COTTEN ENGINEERING LLC
CML ENGINEERING, SURVEYING, ENVIRONMENTAL
PLANNING

10057 CONCORD ROAD
SEAFORD, DELAWARE 19973



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT C

Municipal Code

Chapter 115. Zoning

Article III. Provisions Applicable to All Districts

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

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

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

§ 115-22. Conditional uses.

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

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

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

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

Aquariums, commercial

Beaches, commercial

Biotech campus

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

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

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

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

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

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

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

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

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

Livestock auction markets in an AR District

Marinas or yacht clubs

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

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

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

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

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

Manufactured home parks

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

Nursing and similar care facilities

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

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

Private clubs

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

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

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

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

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

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

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

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

Sports arenas or stadiums, commercial athletic fields or baseball parks

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

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

Swimming or tennis clubs, private, nonprofit or commercially operated

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

Article VI. GR General Residential District

§ 115-39. Conditional uses.

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

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

Aquariums, commercial

Beaches, commercial

Bus terminals

Camps, day or boarding, private or commercial

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

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

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

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

Manufactured home parks

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

Marinas or yacht clubs

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

Nursing and similar care facilities

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

Private clubs

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

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

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

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

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

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

Swimming or tennis clubs, private, nonprivate or commercially operated



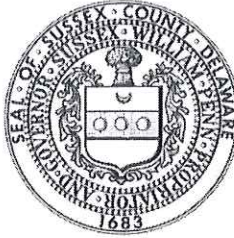
BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT D

NOV, SLER

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County
DELAWARE
sussexcountyde.gov

SUSSEX COUNTY NOTICE OF VIOLATION

October 2, 2019

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

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

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

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

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

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

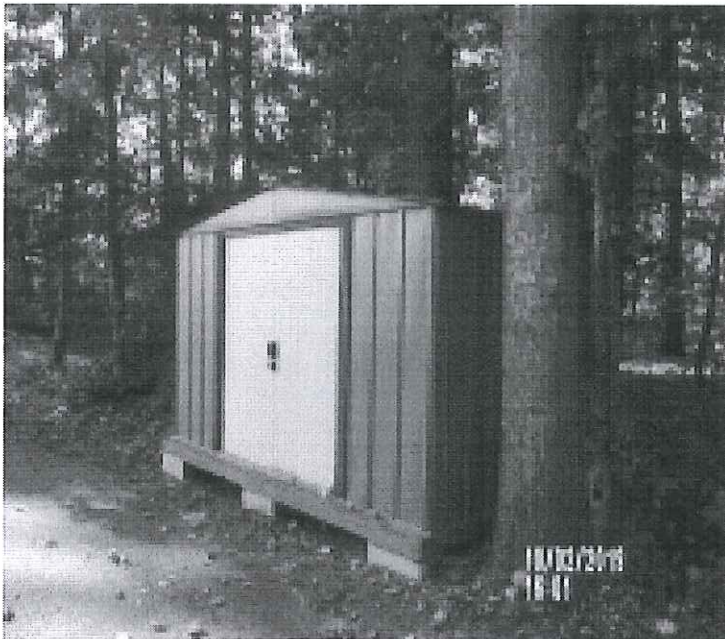
Within fifteen calendar (15) days of the date of this letter the violation shall be corrected. If you have questions regarding the violation please contact me to discuss the violation. If you have evidence, e.g., surveys, plats, or other documents that address this preliminary finding, please provide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

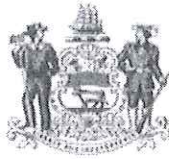
The office is located in the County Administration Building, at #2 The Circle in Georgetown, Delaware. The office hours are 8:30 AM – 4:30 PM, Monday through Friday.

Sincerely,
KELLY PASSWATERS
302-855-7878



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





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

NICOLE MAJESKI
SECRETARY

March 9, 2021

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

Dear Mr. Whitehouse:

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

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

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

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



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

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

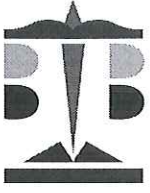
Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

cc: Avalon Woods, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT E

Aerial Maps



Addresses / Parcels

Tax Parcels

Council Districts

Fire Districts

County District 01

County District 02

County District 03

County District 04

County District 05

County Boundaries

Schools/Libraries

School Buildings (Various)

School Library

Public Library

Special Library

DOE School Districts

DOE VoTech School Districts

Hydrology

Streams / Rivers

Lakes, Ponds, Bays

Flood Zones

0.2% Annual Chance

Flood Hazard

A

AE

AO

Open Water

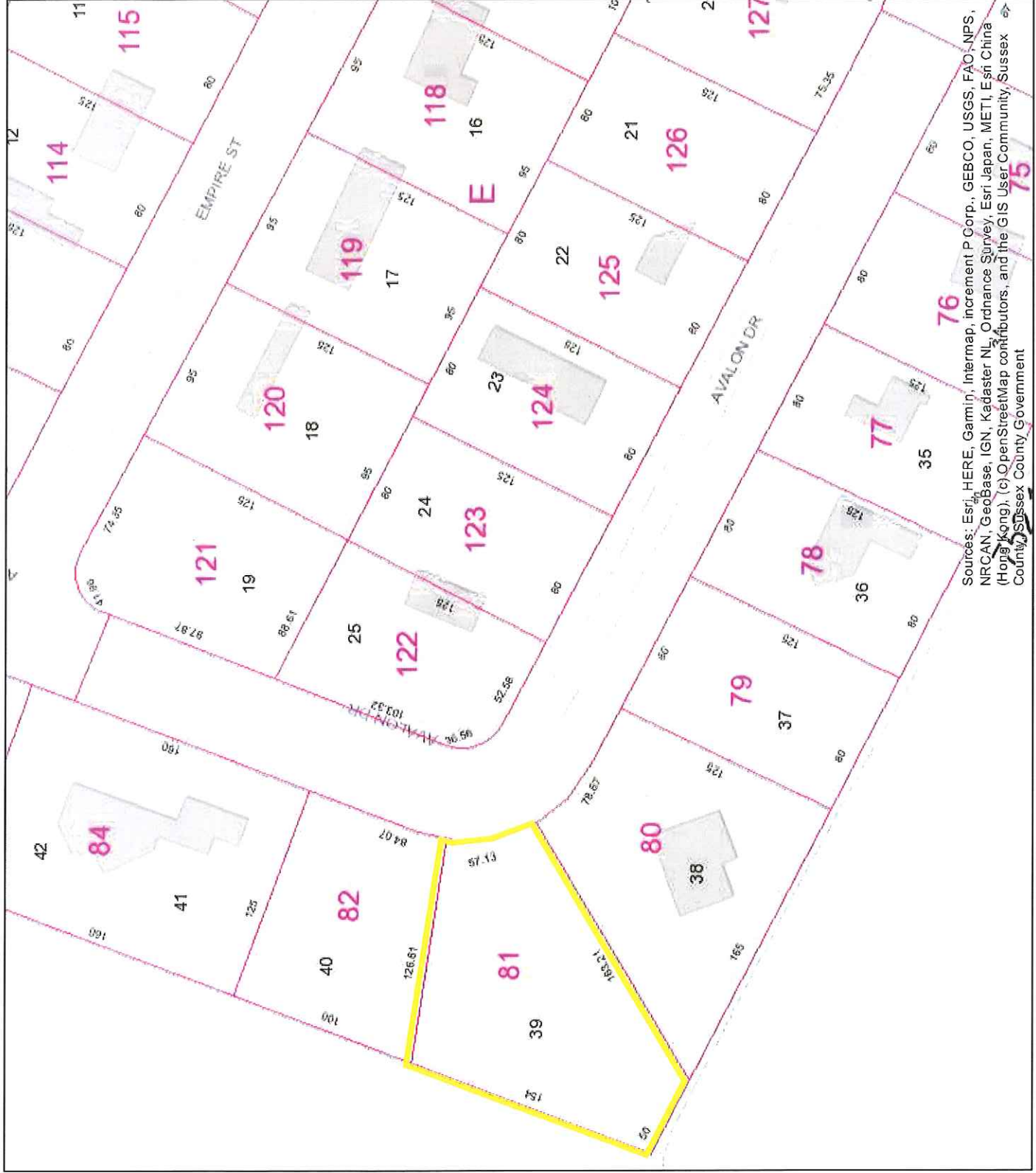
VE

Public Protected Lands

Municipalities

Communities

Boundaries State County



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



Sussex County Map



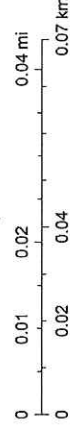
Sussex County



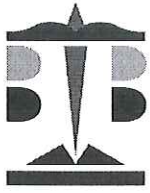
March 19, 2021

- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:1,128



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



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT F

Association By-Laws & Restrictive Covenants

35189

BK: 3942 PG: 29

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

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

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

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

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

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

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

EXPLANATION OF TERMS USED

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

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

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BK: 3942 PG: 30

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

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

ARTICLE I: PURPOSE

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

ARTICLE II: MEMBERSHIP

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

ARTICLE III: DUTIES OF THE MEMBERS

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

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

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

ARTICLE IV: DUES

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

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

ARTICLE V: OFFICERS

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

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

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

ARTICLE VI: BOARD OF DIRECTORS

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

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

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

ARTICLE VII: DUTIES OF THE OFFICERS

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

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

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

BK = 3942 PG = 33

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

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

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

ARTICLE VIII: VACANCIES

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

ARTICLE IX: AUDITING:

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

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

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

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

ARTICLE X: MEETINGS

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

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

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

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

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

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

ARTICLE XI: QUORUM

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

ARTICLE XII: LIST OF MEMBERS

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

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

ARTICLE XIII: EASEMENTS

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

BK: 3942 PG: 36

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

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

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

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

ARTICLE XIV: COMMITTEES

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

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

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

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

BK: 3942 PG: 37

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

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

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

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

BK: 3942 PG: 38

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

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

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

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

RECEIVED

NOV 08 2011

**ASSESSMENT DIVISION
OF SUSSEX COUNTY**

State of Delaware
County of Sussex

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

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

Donna M. Di Francesco
Notary Public

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

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

4830

BOOK 997 PAGE 121

AVALON PARK
Reservations and Restrictive Covenants

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

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

BOOK 997 PAGE 122

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

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

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

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

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

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

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

19. The invalidation of any of the foregoing restrictions, limitations, covenants, reservations or conditions of any provision thereof, by any court of competent jurisdiction shall in nowise affect or impair the full force and effect of any and all of the remaining provisions thereof, and in any such event, all such other reservations, limitations, restrictions, covenants, conditions and provisions as are not expressly invalidated shall remain in full force, effect and virtue.

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

(3) BOOK 997 PAGE 123

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

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

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

IN WITNESS WHEREOF, Developer has executed this Indenture this

19TH day of FEBRUARY 1980.

In the presence of:

J. Painter
J. Painter

BY AVALON ASSOCIATES
Jacob E. Brown
Jacob E. Brown
Francis J. Stanitski
Francis J. Stanitski

STATE OF DELAWARE)
COUNTY OF NEW CASTLE) SS,

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

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

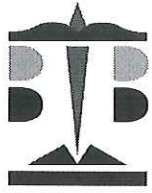
Donald L. Davis
Notary Public

RECEIVED
MARY ANN MCCABE

MAR 5 4 22 PM '80

RECORDER OF DEEDS
SUSSEX COUNTY

O'Hara's Office
3-21-80



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT F

Permit Records



Permits and Inspections

Permit #295860

[Return to Application Details](#)

Permit Details

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

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

PROPERTY RECORD CARD

CARD _____ OF _____

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

LAND IDENTIFICATION

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

SCH-1
 EDIT-P

OWNERSHIP RECORD

DATE OF TRANSFER

GRANTEE

REVENUE STAMPS

SALE PRICE

AVALON PARK
 LOT 39, BLK. A
 VACANT

March 12 1971

LAND RECORD AND VALUATION SUMMARY

LAND COMPUTATION

BUILDING PERMIT RECORD

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

ASSESSMENT RECORD

SUMMARY OF VALUES

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

NOTES BP# 295860 + 1008 addition to exist 100 shed that was never on 01/8500 11-21-2004 4000



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

50

REASSESSMENT DIVISION

8/20/87 Helen

ACTION CODE: 2

DISTRICT: 2.34

MAP: 15

PARCEL: 81

TRLR/UNIT:

NAME: Avalon Associates, Inc

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

PROPERTY DESCRIPTION: Avalon Park

ACREAGE:

TRANSFER:

LAND CLASS: RU

OLD VALUE: 1200

LAND VALUE: 2500

IMP VALUE:

TOTAL VALUE: 2500

ACTION REASON: to removed developer discount

BILLING: 1987 S.B for diff.

7/14
8/21/87
9.17.87
AT

5-6-82

REASSESSMENT DIVISION

ACTION CODE: /

WORKED BY: Harold
Laurie

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

NAME: Brown, Jacob E + Francis J. Stanitski

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

PROPERTY DESCRIPTION:

Avalon Park
Lot 39 Blk A

ACREAGE:

TRANSFER: 145 667

LAND CLASS: RV

OLD VALUE:

LAND VALUE: 1200

IMP. VALUE:

TOTAL VALUE: 1200

ACTION REASON:

Sub-division split out
47

BILLING:

83

Amended

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: December 16th, 2021

Application: CZ 1947 Kenneth P. Adams

Applicant: Mr. Kenneth P. Adams
25136 DuPont Boulevard
Georgetown, DE 19947

Owner: Citation 49 Farms, LLC, Joe Ann Adams, Kenneth & Tracy Adams,
Melvin L. Joseph Jr. & Virginia Kauffman, Trustee p/o (50.00) &
Melvin L. Joseph Construction Co. Inc. p/o (50.02)

Site Location: 25116 Dupont Boulevard, Georgetown. The property is lying on the
southwest side of DuPont Boulevard (Route 113), approximately 351
feet northwest of Governor Stockley Road (S.C.R. 432).

Current Zoning: Agricultural Residential (AR-1) Zoning District & General Commercial
(C-1) Zoning District

Proposed Zoning: Rezoning AR-1 portion to Heavy Commercial (C-3) Zoning District

Comprehensive Land
Use Plan Reference: Commercial Area

Councilmanic
District: Ms. Green

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Private (On-Site Septic)

Water: Private (On-Site Well)

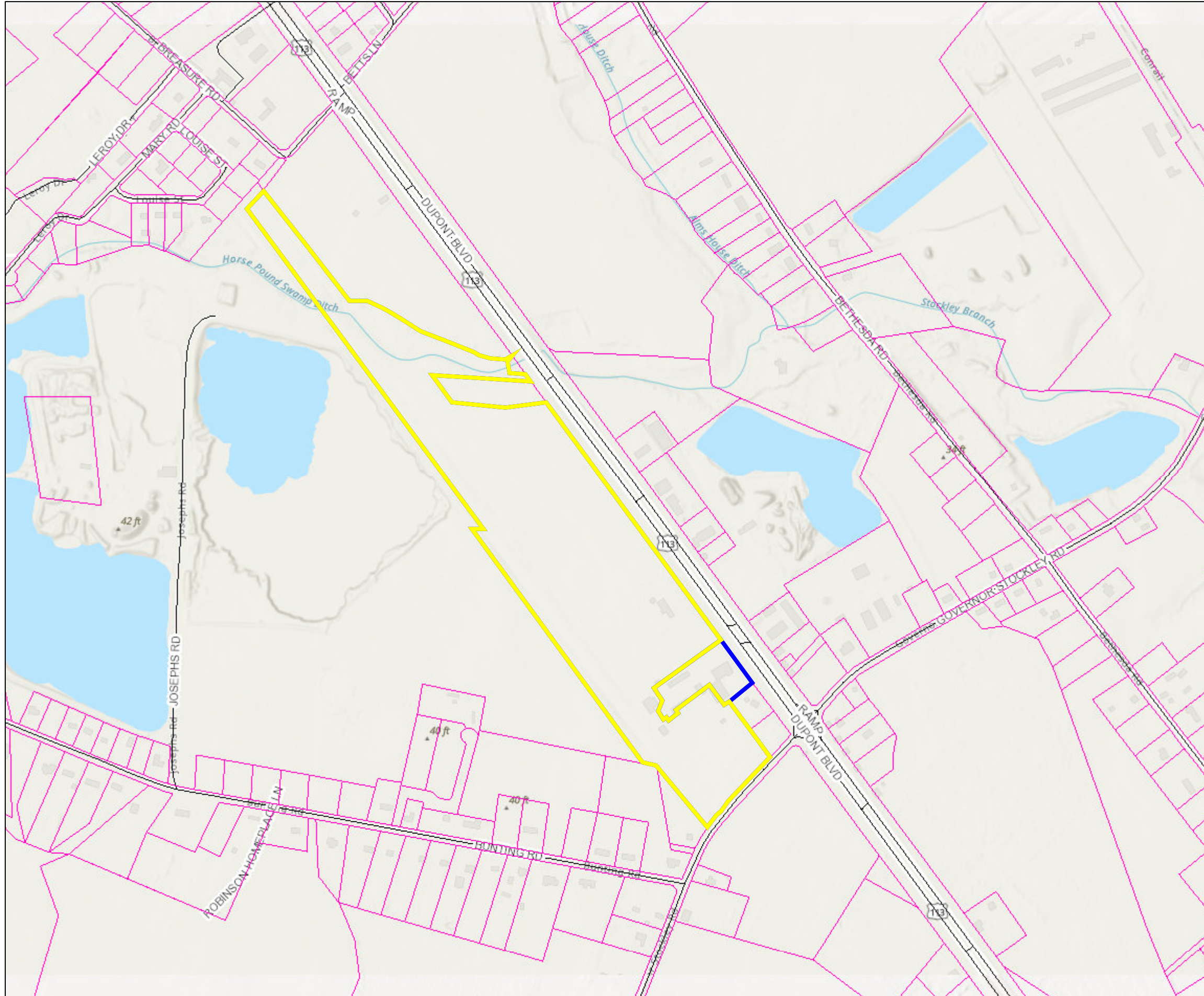
Site Area: 4.41 acres +/-

Tax Map ID.: 133-6.00-50.00 & part of 50.02





Sussex County



| | |
|------------------------|---|
| PIN: | 133-6.00-50.00 |
| Owner Name | CITATION 49 FARMS LLC & JOE ANN ADAMS |
| Book | 5310 |
| Mailing Address | 25154 DUPONT BLVD |
| City | GEORGETOWN |
| State | DE |
| Description | W/RT 113 |
| Description 2 | 687 NW/RT 432 |
| Description 3 | HOME FARM |
| Land Code | |

polygonLayer

Override 1

polygonLayer

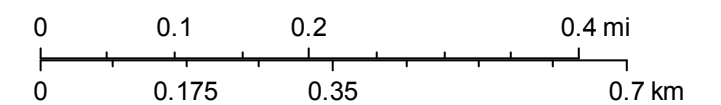
Override 1

⋯ Tax Parcels

— Streets

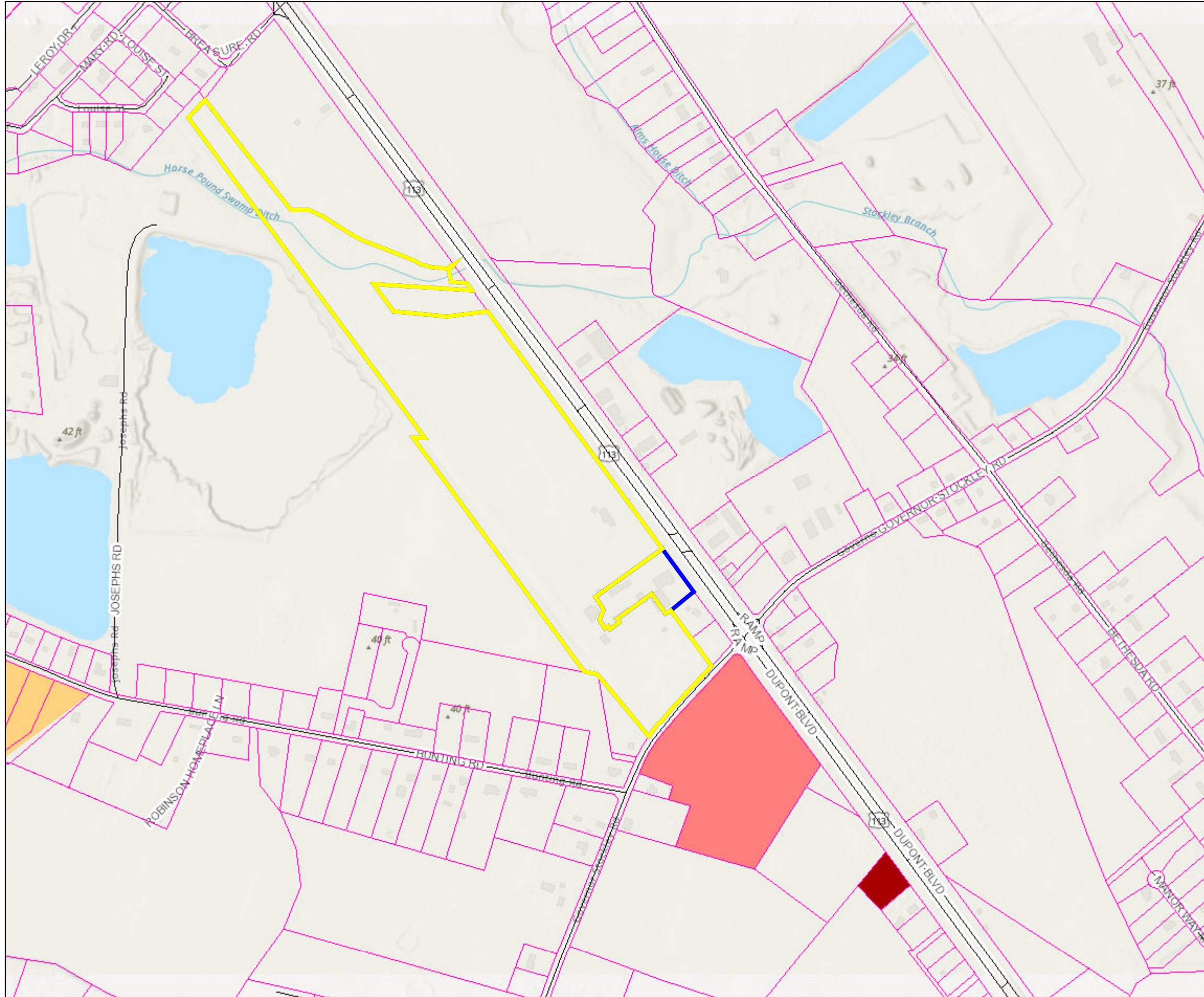
⋯ County Boundaries

1:9,028





Sussex County



| | |
|------------------------|---|
| PIN: | 133-6.00-50.00 |
| Owner Name | CITATION 49 FARMS LLC & JOE ANN ADAMS |
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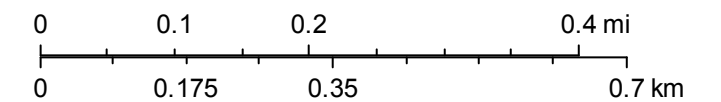
polygonLayer
Override 1

polygonLayer
Override 1

..... Tax Parcels

— Streets

1:9,028





Sussex County



| | |
|-----------------|---|
| PIN: | 133-6.00-50.00 |
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polygonLayer

Override 1

polygonLayer

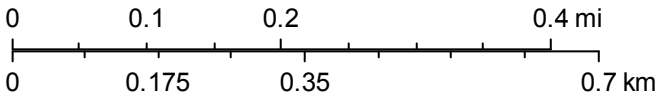
Override 1

⋯ Tax Parcels

— Streets

— County Boundaries

1:9,028



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: December 9, 2021
RE: Staff Analysis for CZ 1947 Kenneth P. Adams

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1947 Kenneth P. Adams to be reviewed during the December 16, 2021, 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 Parcels 133-6.00-50.00 and part of 133-6.00-50.02 to allow for a change of zone from a General Commercial (C-1) Zoning District and Agricultural Residential (AR-1) Zoning District to a Heavy Commercial (C-3) District. Specifically, the Applicant wishes to rezone the portion of these properties that are currently zoned Agricultural Residential (AR-1) to Heavy Commercial (C-3). The properties are lying on the southwest side of DuPont Boulevard (Route 113), approximately 351 feet northwest of Governor Stockley Road (S.C.R. 432) at 25116, 25076 and 25136 DuPont Boulevard in Georgetown. The parcels to be rezoned contain 4.33 acres and 0.08 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 a land use designation of "Commercial Area." The properties on the opposite side of DuPont Boulevard (Route 113) also contain the Future Land Use Designation of "Commercial Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas.

The property is zoned General Commercial (C-1) Zoning District and Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north and west are also zoned Agricultural Residential (AR-1) Zoning District. The properties to the south on the opposite side of Governor Stockley Road (S.C.R. 432) are zoned General Commercial (C-1) and Medium Commercial (C-2) District.



To the east along DuPont Boulevard (Route 113), there are several properties that are zoned General Commercial (C-1) with the balance of the surrounding area being zoned Agricultural Residential (AR-1).

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Heavy Commercial (C-3) Zoning District is listed as an applicable zoning district in the Commercial Area.

Since 2011, there have been two (2) Change of Zone application within a 1-mile radius of the application site. The first application is Change of Zone 1814 Stockley Tavern, LLC for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential District (CR-1) which was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, March 9, 2017. The application was also approved by the Sussex County Council on Tuesday, April 11, 2017 and adopted through Ordinance No. 2491. The second application is Change of Zone 1903 W. Wayne Baker for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial Zoning District (C-2) which was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, February 13, 2020. The application was also approved by the Sussex County Council on Tuesday, February 25, 2020 and adopted through Ordinance No. 2709.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a General Commercial Zoning District (C-1) and a Agricultural Residential Zoning District (AR-1) to a Heavy Commercial Zoning District (C-3) could be considered as being consistent with the land use, based on the size, scale, zoning and surrounding uses.

File #: CZ 1947
202110751

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

25116 DUPONT BLVD, GEORGETOWN, DE 19947

Type of Conditional Use Requested:

Tax Map #: P/O 133-6.00(-50.00) AND P/O 133-6.00(-50.02) **Size of Parcel(s):** P/O (50.00) 4.33 +/- P/O (50.02) 0.08 +/-

Current Zoning: C-1 AND AR-1 **Proposed Zoning:** REZONING AR-1 Portion TO C-3 HEAVY COMMERCIAL **Size of Building:** TBD

Land Use Classification: COMMERCIAL

Water Provider: PRIVATE

Sewer Provider: PRIVATE

Applicant Information

Applicant Name: KENNETH P ADAMS

Applicant Address: 25136 DUPONT BLVD.

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

Phone #: (302) 856-7396 **E-mail:** KADAMS@MELVINJOSEPH.COM

Owner Information

Owner Name: CITATION 49 FARMS, LLC, JOE ANN ADAMS, KENNETH & TRACY ADAMS, MELVIN L. JOSEPH, JR. & VIRGINIA KAUFFMAN, TRUSTEE p/o (50.00) and MELVIN L. JOSEPH CONSTRUCTION CO., INC. p/o (50.02)

Owner Address: See Above

City: See Above **State:** DE **Zip Code:** 19947

Phone #: (302) 856-7396 **E-mail:** KADAMS@MELVINJOSEPH.COM

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: DAVID HUTT, ESQUIRE | MORRIS JAMES MARK DAVIDSON | PENNONI

Agent/Attorney/Engineer Address: 107 WEST MARKET ST. 18072 DAVIDSON DR.

City: GEORGETOWN, DE 19947 MILTON, DE 19968

Phone #: (302) 856 0018 (302) 684 8030

E-mail: DRUTT@MORRISJAMES.COM MDAVIDSON@PENNONI.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: 6/8/21

Signature of Owner



Date: 6/8/21

For office use only:

Date Submitted: 7/16/21
Staff accepting application: JB
Location of property: _____

Fee: \$500.00 Check #: 62193
Application & Case #: 202110751

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

Mailing List Application Form

For Applications Requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: 25116 DuPont Blvd., Georgetown, DE 19947

Parcel #: P/O 133-6.00-50.00

Site Address: 25136 DuPont Blvd., Georgetown, DE 19947

Parcel #: P/O 133-6.00-50.02

Applicant Name: Kenneth P. Adams

Owner Name: Melvin L. Joseph, Jr., Kenneth & Tracy Adams, Citation 49 Farms, LLC,
Virginia Kauffman, Trustee, Joe Ann Adams & Melvin L. Joseph Construction Co, Inc.

Type of Application:

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

Date Submitted: 7/16/21

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____



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

NICOLE MAJESKI
SECRETARY

June 23, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Kenneth P. Adams** proposed land use application, which we received on June 8, 2021. This application is an assemblage of two parcels totaling 68.53-acre with an approximately 4.90-acre portion being rezoned (Tax Parcels: 133-6.00-50.00 and 50.02). The subject land is located on the north side of Gov. Stockley Road (Sussex Road 432) with the remainder of the parcels having frontage on DuPont Boulevard (US 113). The subject land is currently zoned AR-1 (Agriculture Residential) and C-1 (General Commercial) with a proposed zoning of C-3 (Heavy Commercial) for the AR-1 portion.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Gov. Stockley Road from DuPont Boulevard to Hardscrabble Road (Sussex Road 20) is 1,417.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

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



Mr. Jamie Whitehouse
Page 2 of 2
June 23, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Kenneth P. Adams, Applicant
Russell Warrington, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **12/3/2021**

APPLICATION: **CZ 1947 Kenneth P. Adams**

APPLICANT: **Mr. Kenneth P. Adams**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **133-6.00-50.00 & 50.02**

LOCATION: **25116 DuPont Blvd., Georgetown. Lying on the southwest side of DuPont Blvd. (Rt. 113), approximately 351 northwest of Governor Stockley Rd. (SCR 432).**

NO. OF UNITS: **Upzone AR-1 portion to C-3 (Heavy Commercial)**

GROSS
ACREAGE: **4.41**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes ☐ No ☒
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 3**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Choose an item.** 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 not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

ENGINEER CERTIFICATION:
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED 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

SIGNATURE Alan M. Decktor No. 17771 DATE 6/10/2021

ALAN M. DECKTOR, PE, ENV. SP.
PENNONI ASSOCIATES, INC.
18072 DAVIDSON DRIVE MILTON, DE 19968

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

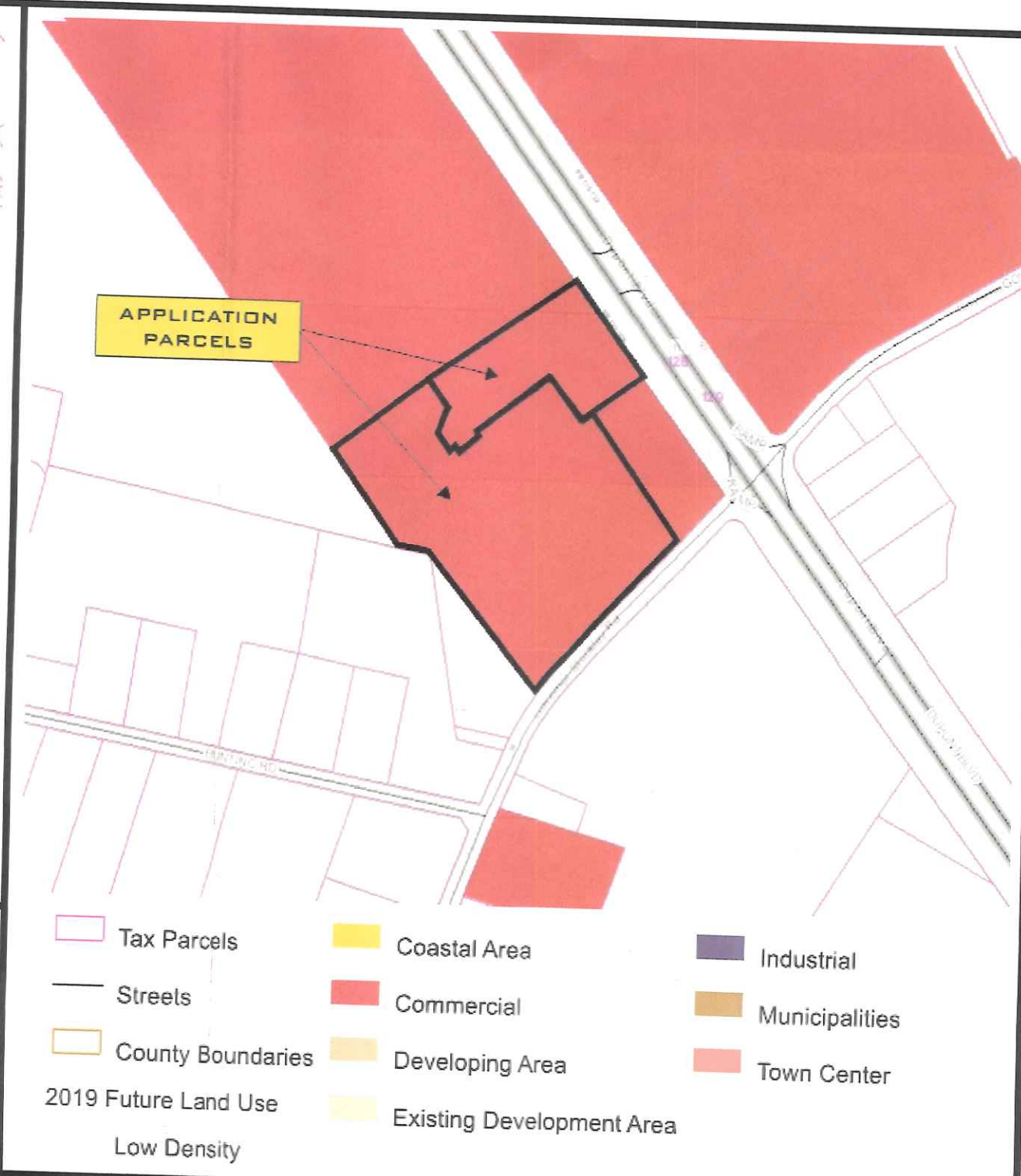
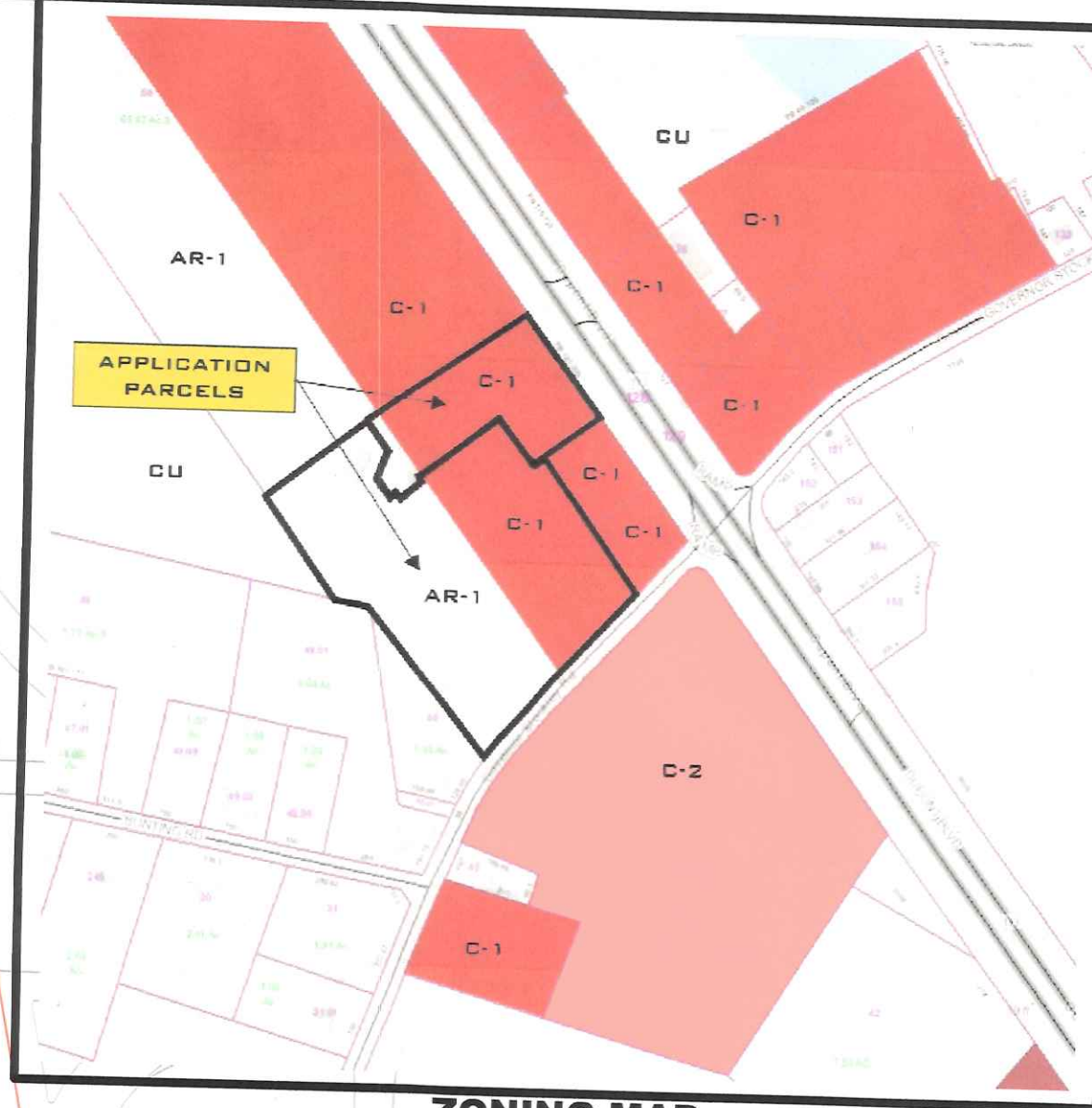
SIGNATURE Joe Ann Adams DATE 6-10-21

CITATION 49 FARMS; JOE ANN ADAMS;
KENNETH & TRACEY ADAMS, ET AL
25136 DUPONT BOULEVARD
GEORGETOWN, DELAWARE 19947

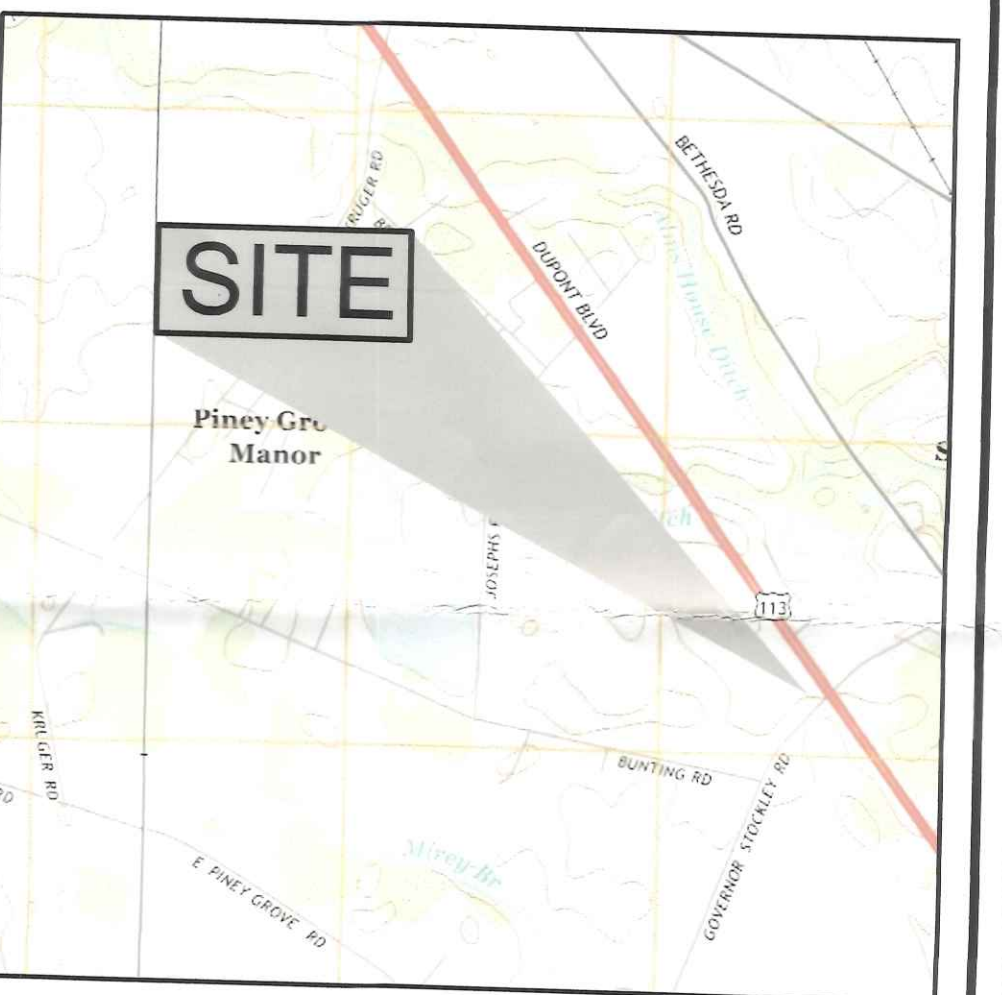
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IT IS HEREBY CERTIFIED THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND
SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE
THE SAME TO BE MY ACT. IT IS MY DESIRE TO HAVE THE PLAN RECORDED AS SHOWN
AND IN ACCORDANCE WITH ALL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

SIGNATURE ML Joseph Sand and Gravel Co. Inc. DATE 6-10-21

ML JOSEPH SAND AND GRAVEL CO. INC.
25136 DUPONT BOULEVARD
GEORGETOWN, DELAWARE 19947
302-684-7398



2019 COMPREHENSIVE PLAN
2045 FUTURE LAND USE MAP



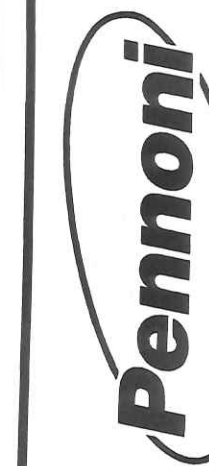
VICINITY MAP
SCALE: 1" = 2000'

DENOTES AREA TO BE REZONED TO C-3 HEAVY COMMERCIAL

SITE DATA:

| | | |
|---|--|--|
| TAX MAP NUMBERS: | 133-6.00-PORTION OF 50.00 & 50.02 | |
| 1. OWNER INFO: | <u>P/O PARCEL 50.00</u> CITATION 49 FARMS, LLC JOE ANN ADAMS; KENNETH & TRACY ADAMS, ET AL 25136 DUPONT BLVD GEORGETOWN, DE 19947 | <u>P/O PARCEL 50.02</u> MELVIN L. JOSEPH CONSTRUCTION CO 25136 DUPONT BLVD GEORGETOWN, DE 19947 |
| 2. SITE ADDRESS: | 25116 DUPONT BOULEVARD GEORGETOWN, DE 19947 | 25136 DUPONT BOULEVARD. GEORGETOWN, DE 19947 |
| 3. SITE LOCATION: | NORTH SIDE OF GOVERNOR STOCKLEY ROAD & WEST SIDE OF DUPONT HIGHWAY DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE | |
| 4. EXISTING TOTAL ACREAGE: | 65.67± ACRES (TAX MAP "S") 8.47± ACRES (APPLICATION) | 2.86± ACRES |
| 5. EXISTING ZONING: | C-1 AND AR-1 | C-1 AND AR-1 |
| 6. ACREAGE TO BE REZONED: | 4.33± ACRES | 0.08± ACRES |
| 7. PROPOSED ZONING: | C-3 HEAVY COMMERCIAL | C-3 HEAVY COMMERCIAL |
| 8. FUTURE LAND USE AREA: (SUSSEX COUNTY COMPREHENSIVE PLAN, 2019) | COMMERCIAL | COMMERCIAL |
| 9. PRESENT USE: | NOW OR FORMERLY EXISTING RUNWAY; ACCESS TO MELVIN L. JOSEPH CONSTRUCTION CO. OFFICES, STORAGE, ETC.; ACCESS SAND & GRAVEL PLANT | MELVIN L. JOSEPH CONSTRUCTION CO OFFICES, STORAGE, MAINTENANCE, ETC. |
| 10. SEWER PROVIDER: | ON-SITE WW TREATMENT (SEPTIC) | ON-SITE WW TREATMENT (SEPTIC) |
| 11. WATER PROVIDER: | ON-SITE DOMESTIC WELL | ON-SITE DOMESTIC WELL |
| 12. WETLANDS: | NONE | NONE |
| 13. FLOOD ZONE: | ZONE X | ZONE X |
| 14. WATERSHED: | COW BRIDGE BRANCH-INDIAN RIVER | COW BRIDGE BRANCH-INDIAN RIVER |
| 15. SOURCE WATER PROTECTION: | NONE | NONE |

FILE COPY



PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

LANDS NOW OR FORMERLY OF
MELVIN L. JOSEPH CONSTRUCTION CO., INC.
CITATION 49 FARMS, LLC; JOE ANN ADAMS; KENNETH & TRACEY ADAMS, ET. AL.
DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE

REZONING SITE PLAN

PORTIONS OF TAX MAP 133-6.00 PARCELS 50.00 & 50.02

KENNETH P. ADAMS | ML JOSEPH SAND AND GRAVEL CO. INC.
25136 DUPONT BOULEVARD
GEORGETOWN, DELAWARE 19947

| NO. | DATE | REVISIONS | BY |
|-----|------|-----------|----|
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ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES
ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE
PROJECT. THEY ARE NOT INTENDED OR REPRESENTED
TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON
THE EXTENSION OF THE PROJECT OR ON ANY OTHER
PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION
OR ADAPTATION BY PENNONI ASSOCIATES FOR THE
SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS
SOLE RISK AND WITHOUT LIABILITY OR LEGAL
EXPOSURE TO PENNONI ASSOCIATES AND OWNER.
SHALL INDEMNIFY AND HOLD HARMLESS PENNONI
ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND
EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT MLJCX21003
DATE 2021-06-08
DRAWING SCALE 1" = 60'
DRAWN BY MHD
APPROVED BY MHD

0 60' 120'
SHEET 1 OF 1

PARTICULAR DESCRIPTION

**LANDS NOW OR FORMERLY OF CITATION 49 FARMS, LLC, JOE ANN
ADAMS, KENNETH AND TRACY ADAMS, ET AL
TO BE CONVEYED TO KENNETH P ADAMS
DAGSBORO HUNDRED HUNDRED
SUSSEX COUNTY, DELAWARE**

TAX MAP 133.6.00-PORION OF 50.00 AND 50.02

All that certain lot, piece, and parcel of land, located along North side of Governor Stockley Road and West Side of Dupont Highway, situate in Dagsboro Hundred, Sussex County, State of Delaware, and being more particularly described as follows:

BEGINNING, for the purpose of rezoning the above-described tax parcel number the following description:

- 1) North 55 degrees, 02 minutes, 40 seconds East, 260.28 feet to a point,
- 2) South 36 degrees, 28 minutes, 01 seconds East, 101.06 feet to a point,
- 3) South 20 degrees, 25 minutes, 22 seconds West, 47.16 feet to a point,
- 4) South 32 degrees, 29 minutes, 09 seconds East, 57.15 feet to a point,
- 5) North 54 degrees, 18 minutes, 57 seconds East, 19.54 feet to a point,
- 6) South 35 degrees, 13 minutes, 29 seconds East, 20.36 feet to a point,
- 7) North 53 degrees, 54 minutes, 25 seconds East, 24.37 feet to a point,
- 8) South 36 degrees, 28 minutes, 01 seconds East, 589.94 feet to a point,
- 9) South 42 degrees, 09 minutes, 47 seconds West, 56.94 feet to a point,
- 10) With a curve to the left, said curve having a radius of 1008.54 feet, an arc of 160.94 and a delta of 009 degrees, 08 minutes, 36 seconds to a point,
- 11) North 37 degrees, 18 minutes, 45 seconds West, 489.45 feet to a point,
- 12) North 79 degrees, 16 minutes, 43 seconds West, 60.72 feet to a point,
- 13) North 36 degrees, 41 minutes, 50 seconds West, 324.06 feet to a point,

said point being the **Point of Beginning** for this description.

Lands now or Formerly of Citation 49 Farms, LLC, Joe Ann Adams, Kenneth and Tracy Adams.

Tax Map 133-6.00- portion of 50.00 and 50.02

Particular Description

Said property shown on a plat prepared by Pennoni Associates Inc. and entitled "Rezoning Site Plan" dated 05/14/2021 containing _____ square feet more or less (4.33 acres more or less).

PARTICULAR DESCRIPTION

**LANDS NOW OR FORMERLY OF M. L. JOSEPH CONSTRUCTION CO.
TO BE CONVEYED TO KENNETH P ADAMS
DAGSBORO HUNDRED
SUSSEX COUNTY, DELAWARE**

TAX MAP 133.6.00-PORION OF 50.00 AND 50.02

All that certain lot, piece, and parcel of land, located along North side of Governor Stockley Road and West Side of Dupont Highway, situate in Dagsboro Hundred, Sussex County, State of Delaware, and being more particularly described as follows:

BEGINNING, for the purpose of rezoning the above-described tax parcel number the following description:

- 1) North 20 degrees, 25 minutes, 22 seconds East, 47.16 feet to a point,**
- 2) South 36 degrees, 28 minutes, 01 seconds, East, 103.54 feet to a point,**
- 3) South 53 degrees 54 minutes 25 seconds West, 24.37 feet to a point,**
- 4) North 35 degrees, 13 minutes, 29 seconds West, 20.36 feet to a point,**
- 5) South 54 degrees, 18 minutes, 57 seconds West, 19.54 feet to a point,**
- 6) North 32 degrees, 29 minutes, 09 seconds, West, 57.15 feet to a point,**

said point being the **Point of Beginning** for this description.

Said property shown on a plat prepared by Pennoni Associates Inc. and entitled "Rezoning Site Plan" dated 05/14/2021 containing _____ square feet more or less (0.08 acres more or less).

Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

July 16, 2021

BY HAND DELIVERY

Jamie Whitehouse, Director
Sussex County Planning & Zoning Office
2 The Circle, P.O. Box 417
Georgetown, DE 19947

RE: Change of Zone Application
SCTP Nos. P/O 133-6.00-50.00 & 50.02

Dear Mr. Whitehouse:

Kindly find the enclosed Change of Zone Application for Applicants Citation 49 Farms, LLC, Joe Ann Adams, Kenneth and Tracy Adams, Melvin L. Joseph, Jr., Virginia Kauffman, Trustee and Melvin L. Joseph Construction Co. Inc. The enclosed documents for the application are as follows:

- Planning & Zoning Commission Application;
- Legal Descriptions of the area of the Zoning Map amendment;
- Eight (8) copies of the Change of Zone Survey;
- DelDOT's June 23, 2021 response to the Service Level Evaluation Request;
- Mailing List Application Form; and
- Check No. 62193 in the amount of \$500.00.

I will also email a pdf version of the application to your office. Please let me know if you have any questions.

Very Truly Yours,

MORRIS JAMES LLP


David C. Hutt, Esquire

Enclosures

**CITATION 49 FARMS, LLC,
JOE ANN ADAMS,
KENNETH P. AND TRACY ADAMS,
MELVIN L. JOSEPH, JR. AND
VIRGINIA KAUFFMAN, TRUSTEE,
M.L. JOSEPH CONSTRUCTION CO.
CASE NO. CZ1947**

OWNER:

CITATION 49 FARMS LLC,
JOE ANN ADAMS, KENNETH P. AND TRACY ADAMS,
MELVIN L. JOSEPH, JR & VIRGINIA KAUFFMAN, TRUSTEE,
AND M.L. JOSEPH CONSTRUCTION CO.
25136 DUPONT BLVD GEORGETOWN, DE 19947

DEVELOPER:

KENNETH P. ADAMS
25136 DUPONT BLVD
GEORGETOWN, DE 19947

LEGAL:

MORRIS JAMES LLP
107 W. MARKET STREET
GEORGETOWN, DE 19947
DAVID C. HUTT, ESQUIRE

PLANNER/ENGINEER/SURVEYOR:

PENNONI
18072 DAVIDSON DRIVE
MILTON, DE 19968
MARK H. DAVIDSON, PRINCIPAL LAND PLANNER
ALAN DECKTOR, PE., ENV SP
ERIC W. WAHL RLA, ASLA
JOHN W. HAUPT, PLS

ENVIRONMENTAL:

PENNONI & ACCENT ENVIRONMENTAL
WILLIAM J. GANGLOFF, PhD. PROFESSIONAL SOIL
SCIENTIST

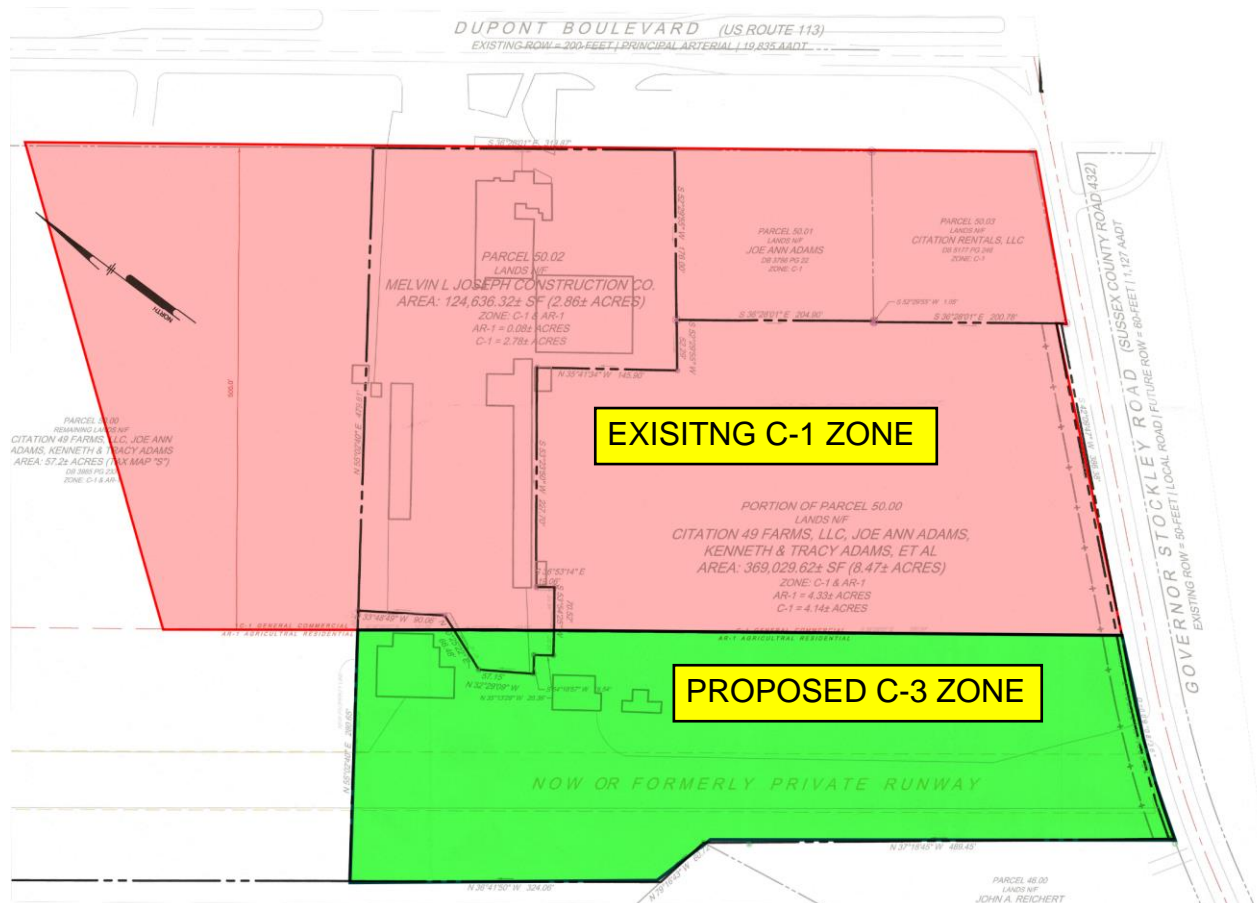


TABLE OF CONTENTS:**TAB 1 APPLICATION**

- a. REZONING APPLICATION
- b. CITATION 49 FARMS LLC DESCRIPTION
- c. M.L. JOSEPH CONSTRUCTION CO DESCRIPTION
- d. SFR RESPONSE

TAB 2 EXHIBITS

- a. REZONING PLAN S & S
- b. AREA COMMERCIAL MAP
- c. SUSSEX COUNTY ZONING MAP
- d. SUSSEX COUNTY 2019 FUTURE LAND USE MAP
- e. SUSSEX COUNTY CONDITIONAL USE MAP
- f. BOUNDARY ADJUSTMENT PLAN
- g. SUSSEX COUNTY AG PRESERVATION DISTRICT MAP
- h. FEMA NATIONAL FLOOD HAZARD MAP

TAB 3 MAPS

- a. 2017, 2012, 2007, 2002, 1997, 1992, 1968, 1961, 1954, AND 1937 ORTHOPHOTO, 2020 STATE STRATEGIES, COUNTY ZONING, LAND USE LAND COVER, NRCS SOILS MAPPING, STATE WETLANDS, FEMA FLOODPLAIN, GROUNDWATER RECHARGE, USGS TOPOGRAPHIC AND AREA COMMERCIAL MAP

Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

University of Delaware; Civil Engineering,
(1986-1990)

Land Surveying, Delaware Technical &
Community College (1984-1986) and
Wastewater Microbiology Diploma
(1997)

Land Planning, Institute for Public
Administration (2006)

CERTIFICATIONS

DNREC Class A Percolation Tester & Class
B Septic Designer, (DE #2418)

Sediment & Stormwater Management,
Responsible Personnel, DE (#8760) and
MD (#4914)

DNREC Certified Construction Reviewer:
DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal
Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware
(2002)

Land Conservation and Historic
Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni
(2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling
Association

Delaware Onsite Wastewater Recycling
Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

Association of Professionals
Philanthropy, Brandywine Chapter
Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 35-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. Past Board Member for the On Site Septic Advisory Board for the State of Delaware. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering and construction to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.

TAB 1

APPLICATION

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**

25116 DUPONT BLVD, GEORGETOWN, DE 19947

Type of Conditional Use Requested:

Tax Map #: P/O 133-6.00(-50.00) AND P/O 133-6.00-(-50.02) **Size of Parcel(s):** P/O (50.00) 4.33 +/- P/O (50.02) 0.08 +/-

Current Zoning: C-1 AND AR-1 **Proposed Zoning:** REZONING AR-1 Portion TO C-3 HEAVY COMMERCIAL **Size of Building:** TBD

Land Use Classification: COMMERCIAL**Water Provider:** PRIVATE**Sewer Provider:** PRIVATE**Applicant Information****Applicant Name:** KENNETH P ADAMS**Applicant Address:** 25136 DUPONT BLVD.**City:** GEORGETOWN **State:** DE **Zip Code:** 19947**Phone #:** (302) 856-7396 **E-mail:** KADAMS@MELVINJOSEPH.COM**Owner Information**

Owner Name: CITATION 49 FARMS, LLC, JOE ANN ADAMS, KENNETH & TRACY ADAMS, MELVIN L. JOSEPH, JR. & VIRGINIA KAUFFMAN, TRUSTEE p/o (50.00) and MELVIN L. JOSEPH CONSTRUCTION CO., INC. p/o (50.02)

Owner Address: See Above**City:** See Above **State:** _____ **Zip Code:** _____**Phone #:** (302) 856-7396 **E-mail:** KADAMS@MELVINJOSEPH.COM**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: DAVID HUTT, ESQUIRE | MORRIS JAMES MARK DAVIDSON | PENNONI

Agent/Attorney/Engineer Address: 107 WEST MARKET ST. 18072 DAVIDSON DR.

City: GEORGETOWN, DE 19947 MILTON, DE 19968

Phone #: (302) 856 0018 (302) 684 8030

E-mail: DHUTT@MORRISJAMES.COM MDAVIDSON@PENNONI.COM



Check List for Sussex County Planning & Zoning Applications


The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- ✓ **Provide Fee \$500.00**
- ✓ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **DeIDOT Service Level Evaluation Request Response**
- ✓ **PLUS Response Letter** (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 6/8/21

Signature of Owner



Date: 6/8/21

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: _____

PARTICULAR DESCRIPTION

**LANDS NOW OR FORMERLY OF CITATION 49 FARMS, LLC, JOE ANN
ADAMS, KENNETH AND TRACY ADAMS, ET AL
TO BE CONVEYED TO KENNETH P ADAMS
DAGSBORO HUNDRED HUNDRED
SUSSEX COUNTY, DELAWARE**

TAX MAP 133.6.00-PORION OF 50.00 AND 50.02

All that certain lot, piece, and parcel of land, located along North side of Governor Stockley Road and West Side of Dupont Highway, situate in Dagsboro Hundred, Sussex County, State of Delaware, and being more particularly described as follows:

BEGINNING, for the purpose of rezoning the above-described tax parcel number the following description:

- 1) North 55 degrees, 02 minutes, 40 seconds East, 260.28 feet to a point,**
- 2) South 36 degrees, 28 minutes, 01 seconds East, 101.06 feet to a point,**
- 3) South 20 degrees, 25 minutes, 22 seconds West, 47.16 feet to a point,**
- 4) South 32 degrees, 29 minutes, 09 seconds East, 57.15 feet to a point,**
- 5) North 54 degrees, 18 minutes, 57 seconds East, 19.54 feet to a point,**
- 6) South 35 degrees, 13 minutes, 29 seconds East, 20.36 feet to a point,**
- 7) North 53 degrees, 54 minutes, 25 seconds East, 24.37 feet to a point,**
- 8) South 36 degrees, 28 minutes, 01 seconds East, 589.94 feet to a point,**
- 9) South 42 degrees, 09 minutes, 47 seconds West, 56.94 feet to a point,**
- 10) With a curve to the left, said curve having a radius of 1008.54 feet, an arc of 160.94 and a delta of 009 degrees, 08 minutes, 36 seconds to a point,**
- 11) North 37 degrees, 18 minutes, 45 seconds West, 489.45 feet to a point,**
- 12) North 79 degrees, 16 minutes, 43 seconds West, 60.72 feet to a point,**
- 13) North 36 degrees, 41 minutes, 50 seconds West, 324.06 feet to a point,**

said point being the **Point of Beginning** for this description.

Lands now or Formerly of Citation 49 Farms, LLC, Joe Ann Adams, Kenneth and Tracy Adams.

Tax Map 133-6.00- portion of 50.00 and 50.02

Particular Description

Said property shown on a plat prepared by Pennoni Associates Inc. and entitled “Rezoning Site Plan” dated 05/14/2021 containing _____ square feet more or less (4.33 acres more or less).

PARTICULAR DESCRIPTION

**LANDS NOW OR FORMERLY OF M. L. JOSEPH CONSTRUCTION CO.
TO BE CONVEYED TO KENNETH P ADAMS
DAGSBORO HUNDRED
SUSSEX COUNTY, DELAWARE**

TAX MAP 133.6.00-PORION OF 50.00 AND 50.02

All that certain lot, piece, and parcel of land, located along North side of Governor Stockley Road and West Side of Dupont Highway, situate in Dagsboro Hundred, Sussex County, State of Delaware, and being more particularly described as follows:

BEGINNING, for the purpose of rezoning the above-described tax parcel number the following description:

- 1) North 20 degrees, 25 minutes, 22 seconds East, 47.16 feet to a point,**
- 2) South 36 degrees, 28 minutes, 01 seconds, East, 103.54 feet to a point,**
- 3) South 53 degrees 54 minutes 25 seconds West, 24.37 feet to a point,**
- 4) North 35 degrees, 13 minutes, 29 seconds West, 20.36 feet to a point,**
- 5) South 54 degrees, 18 minutes, 57 seconds West, 19.54 feet to a point,**
- 6) North 32 degrees, 29 minutes, 09 seconds, West, 57.15 feet to a point,**

said point being the **Point of Beginning** for this description.

Said property shown on a plat prepared by Pennoni Associates Inc. and entitled "Rezoning Site Plan" dated 05/14/2021 containing _____ square feet more or less (0.08 acres more or less).



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

NICOLE MAJESKI
SECRETARY

June 23, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Kenneth P. Adams** proposed land use application, which we received on June 8, 2021. This application is an assemblage of two parcels totaling 68.53-acre with an approximately 4.90-acre portion being rezoned (Tax Parcels: 133-6.00-50.00 and 50.02). The subject land is located on the north side of Gov. Stockley Road (Sussex Road 432) with the remainder of the parcels having frontage on DuPont Boulevard (US 113). The subject land is currently zoned AR-1 (Agriculture Residential) and C-1 (General Commercial) with a proposed zoning of C-3 (Heavy Commercial) for the AR-1 portion.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Gov. Stockley Road from DuPont Boulevard to Hardscrabble Road (Sussex Road 20) is 1,417.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.

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



Mr. Jamie Whitehouse

Page 2 of 2

June 23, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Kenneth P. Adams, Applicant
Russell Warrington, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

TAB 2

EXHIBITS

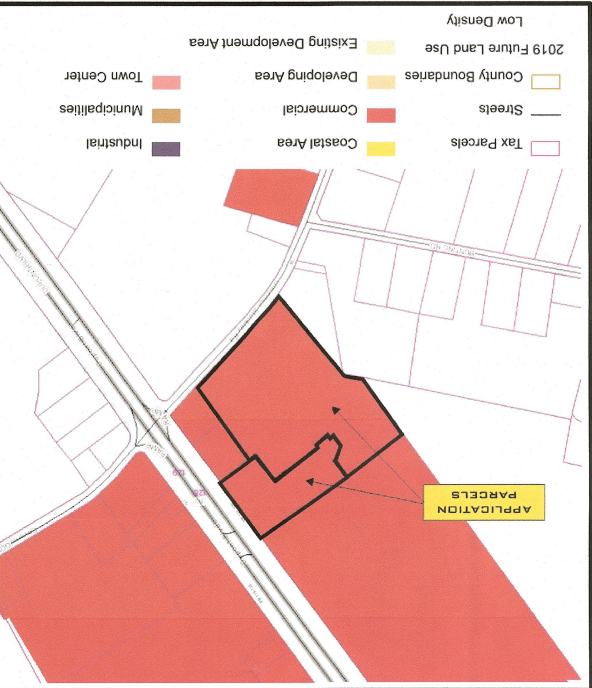
OWNER CERTIFICATION: I AM THE OWNER OF THE PROPERTY DESCRIBED AND
IT IS HEREBY CERTIFIED THAT:
SHOWN ON THIS PLAN. THE AREA WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE
AND IN ACCORDANCE WITH LAW. IT IS MY DESIRE TO HAVE THE PLAN RECORDED
THE SAME TO BE AN A/C. I
CITATION 94 PARMS: JONN ADAMS,
KENNETH & TRACEY ADAMS, ET AL.
25136 DUNPONT BOULEVARD,
GEOGETOWN, DELAWARE 19847

OWNER CERTIFICATION: IT IS HEREBY CERTIFIED THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THE PLAN. THE PLAN WAS MADE BY AN INDICATED PARTY I ACKNOWLEDGE AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. THE SAME TO BE IN ACT. I AM DESIRING TO HAVE THE PLAN RECORDED AS SHOWN.

[Signature]

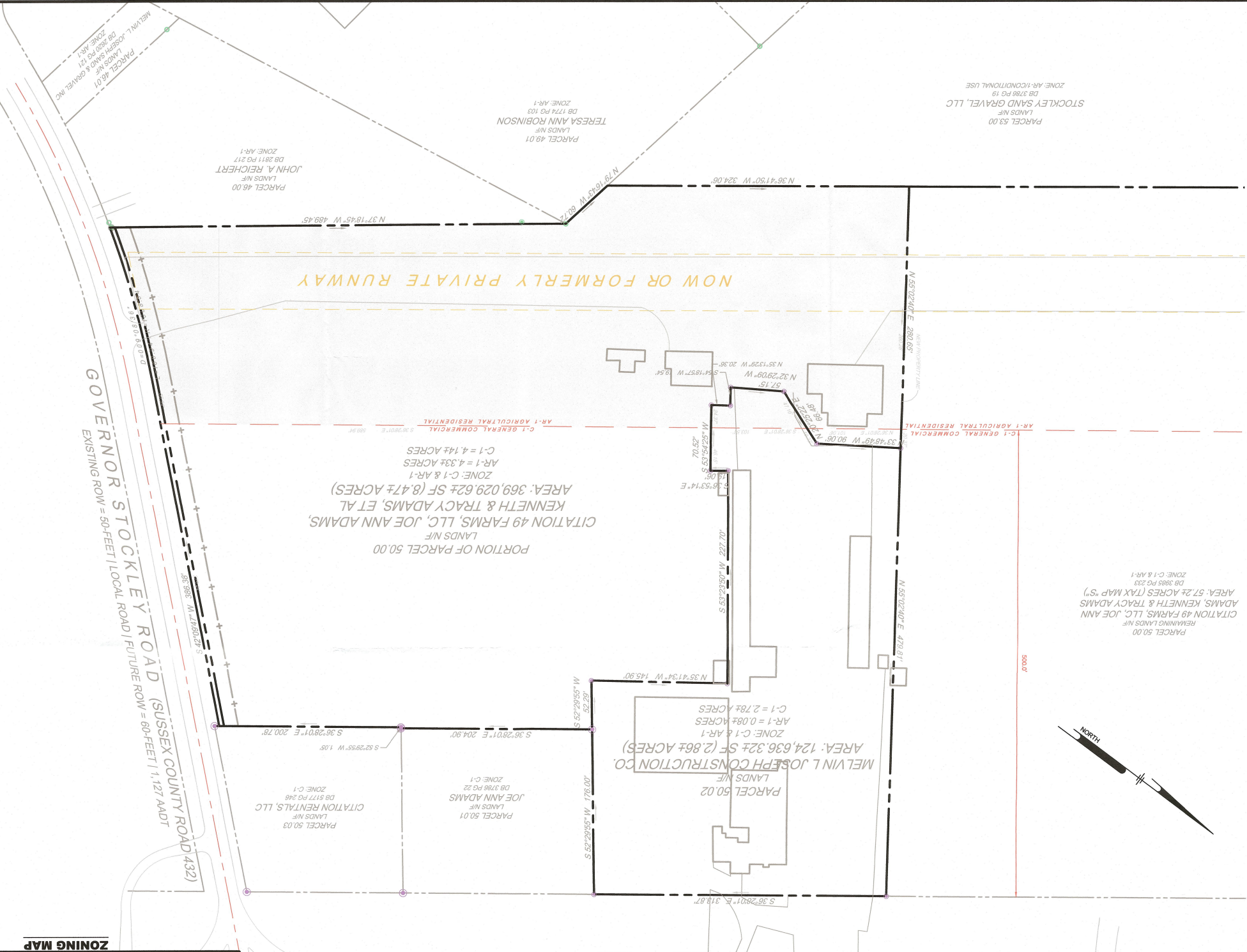
ML JOSEPH SAND AND GRAVEL CO. INC. DATE 6-10-17

25136 DUPONT BOULEVARD
GEORGETOWN, DELAWARE 19347
302-866-7997




1336.00-PORION OF 50.00 & 50.02

| | | | |
|------|--|---|---|
| 1. | CITATION 49 FARMS, LLC JOHN ADAMS; KENNETH & TRACY ADAMS, ET AL 25136 DUPONT BLVD GEORGETOWN, DE 19847 | 2516 DUPONT BOULEVARD GEORGETOWN, DE 19847 | 2516 DUPONT BOULEVARD GEORGETOWN, DE 19847 |
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ALL DIMENSIONS MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

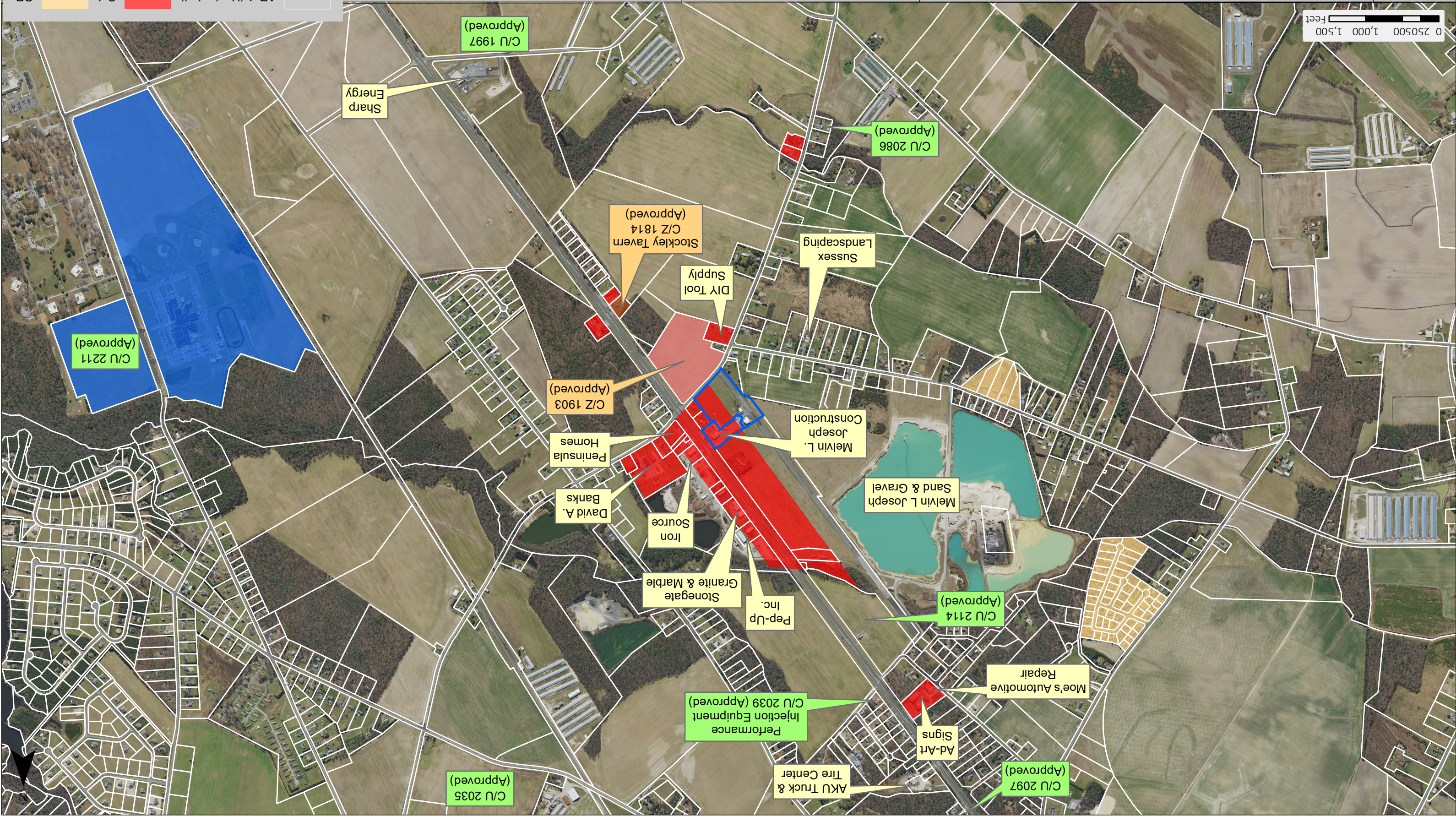
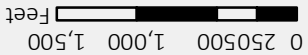


PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

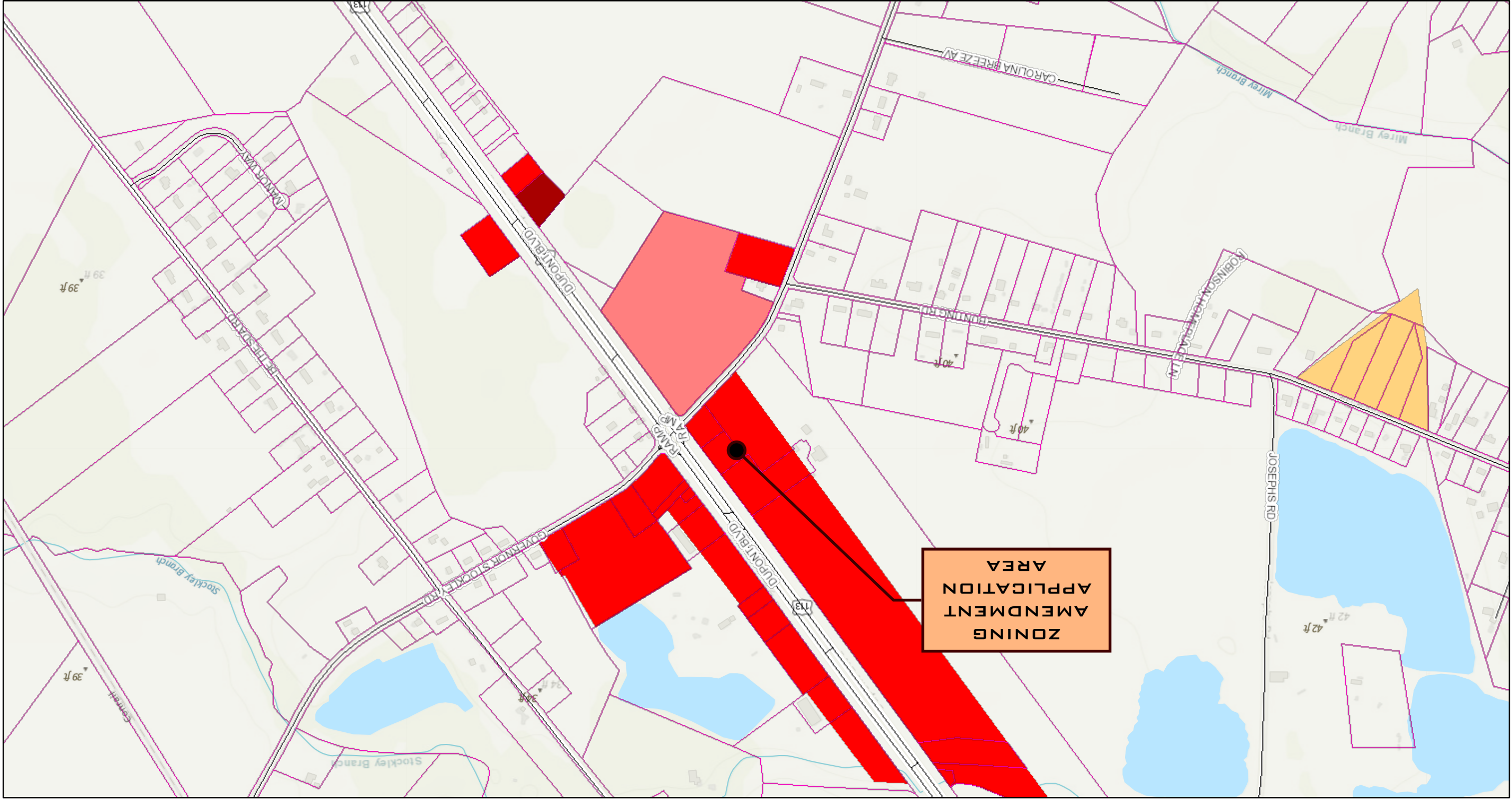


County Zoning

- | | | | | | |
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|  | CR-1 |  | C-3 |  | I-1 |
|  | AR-1 (Unshaded) |  | C-1 | GR | |

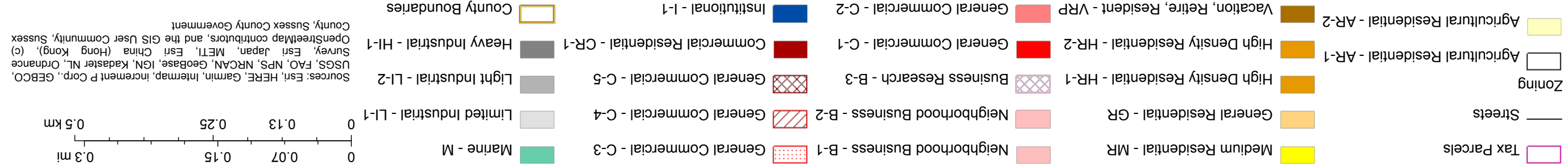


Sussex County

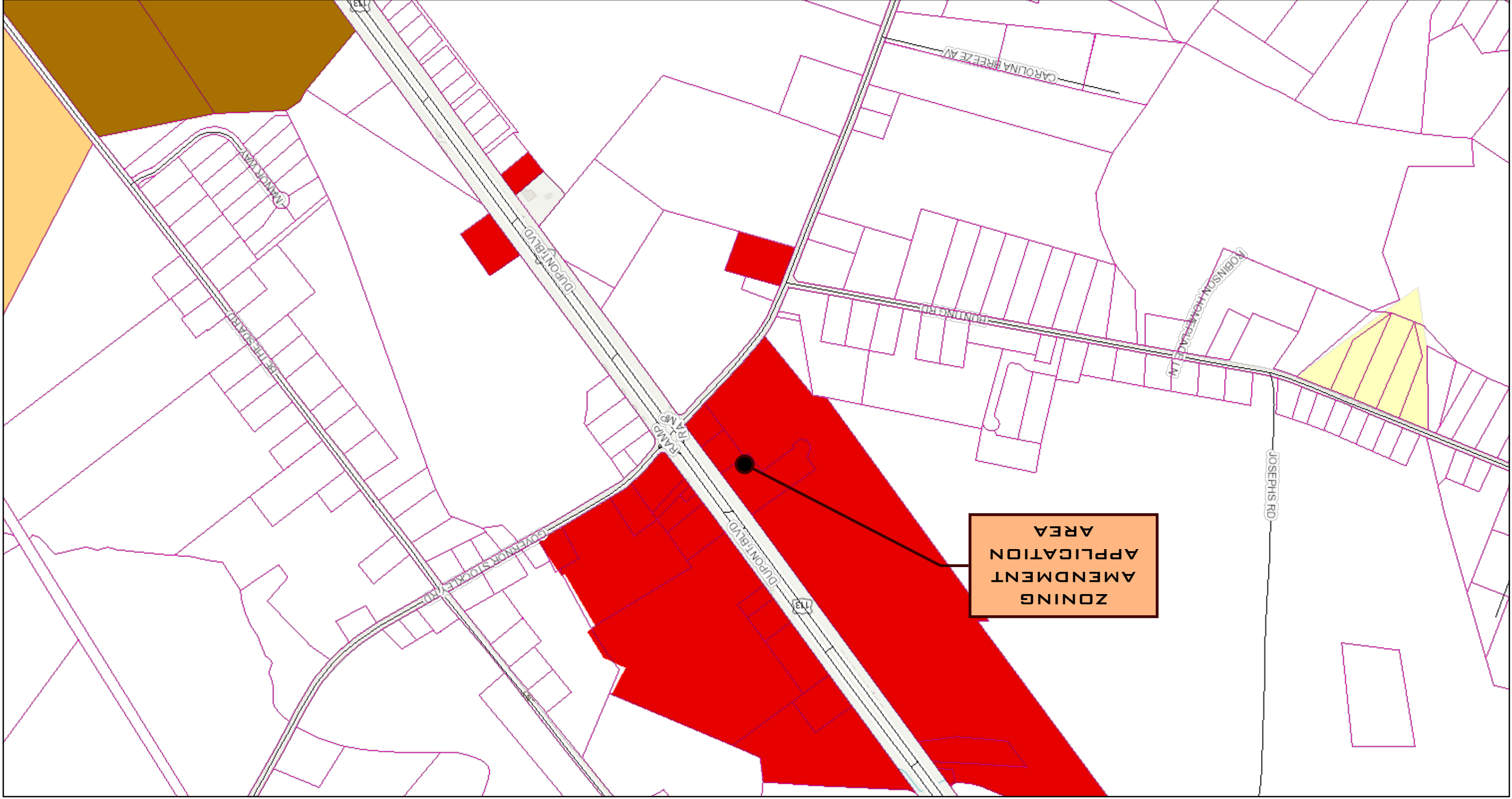


November 10, 2021

1:9,028



Sussex County



November 10, 2021

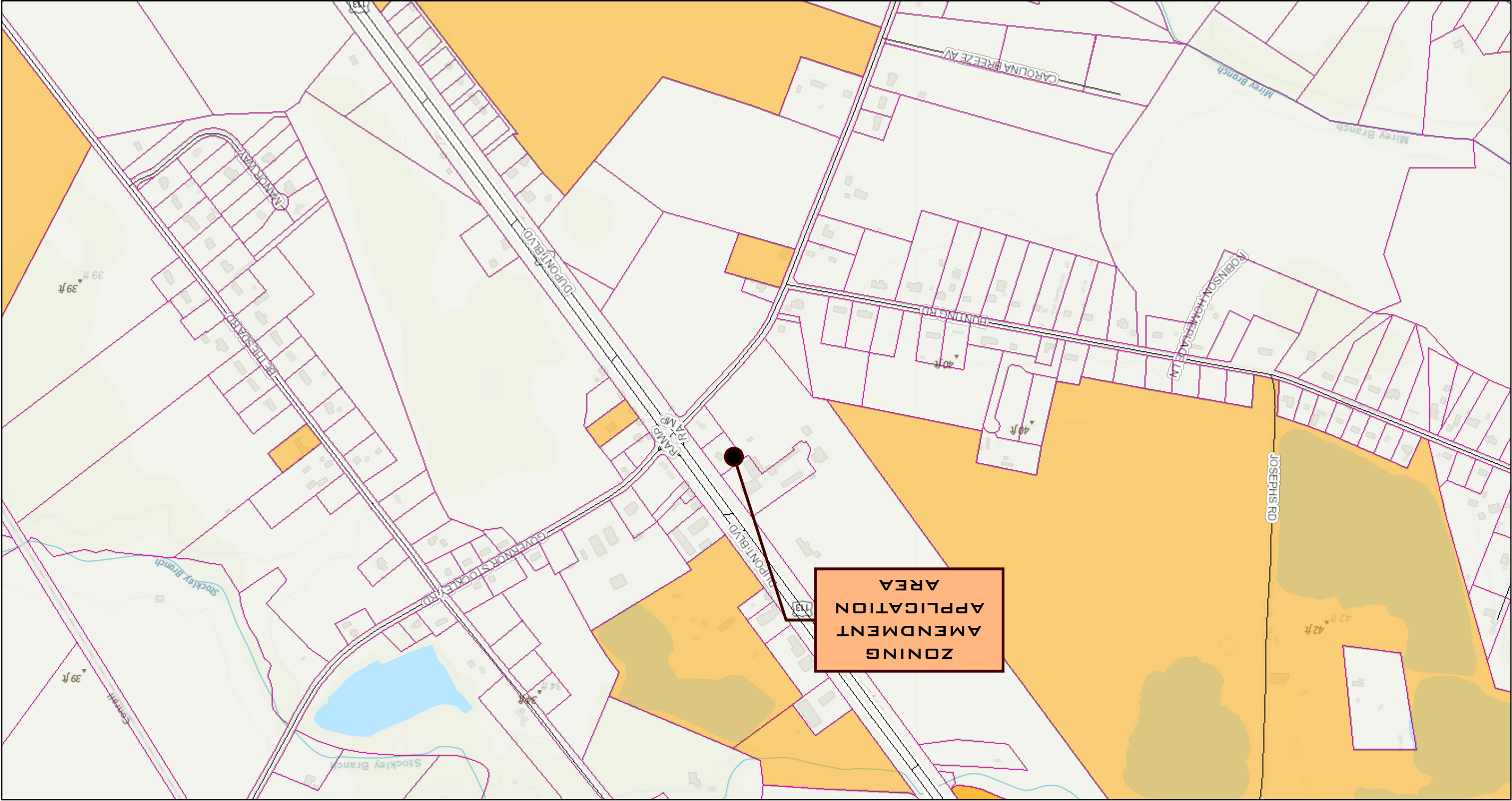
- County Boundaries
- Tax Parcels
- Streets
- 2019 Future Land Use
- Commercial
- Industrial
- Developing Area
- Municipalities
- Coastal Area
- Low Density
- Existing Development Area
- Town Center

1:9,028

0 0.07 0.13 0.25 0.3 mi
0 0.07 0.15 0.25 0.5 km

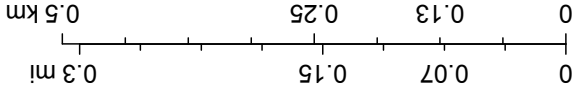
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County



November 10, 2021

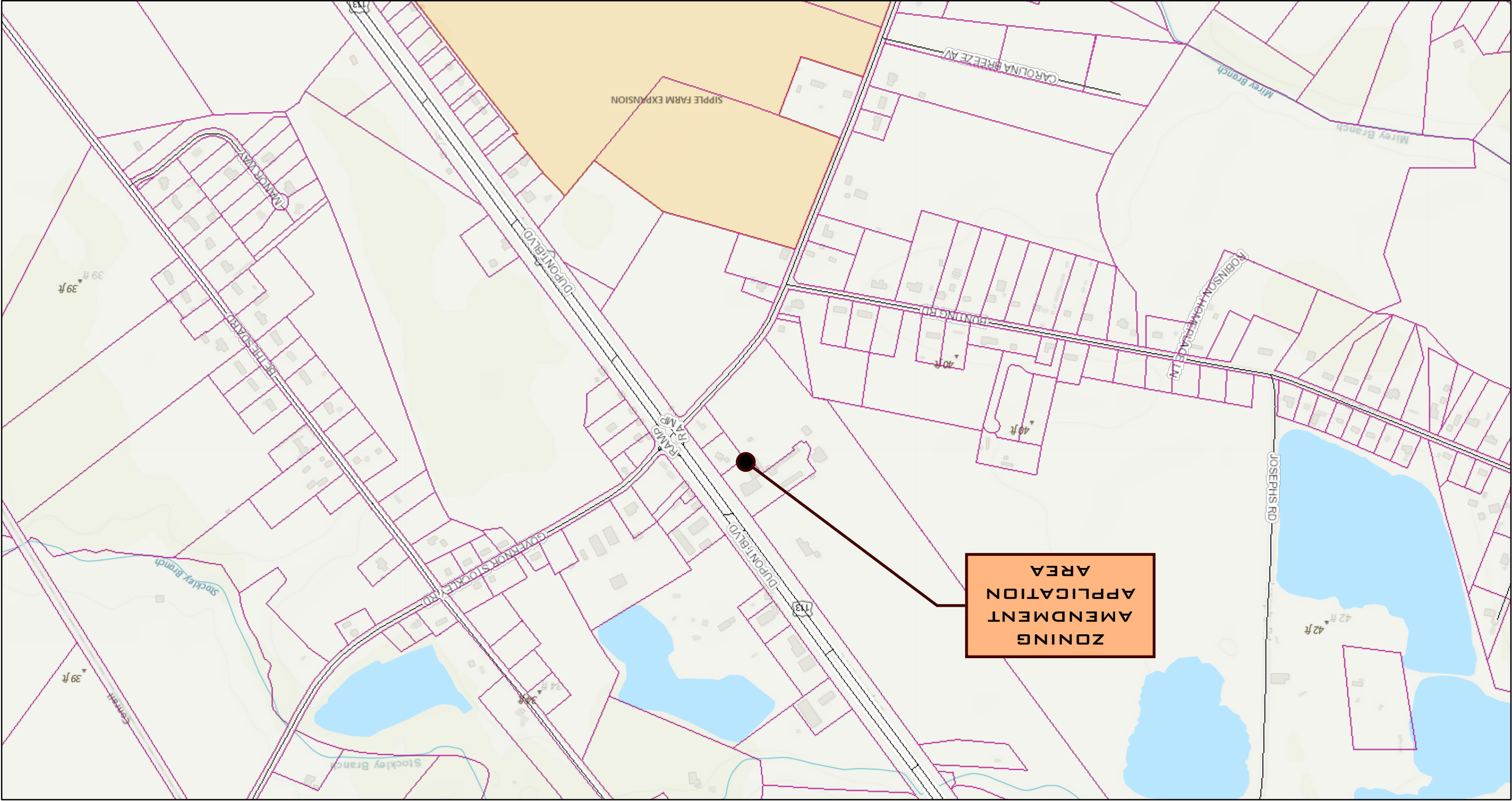
- Conditional Use
- County Boundaries
- Streets
- Tax Parcels



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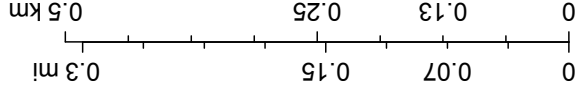
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Sussex County



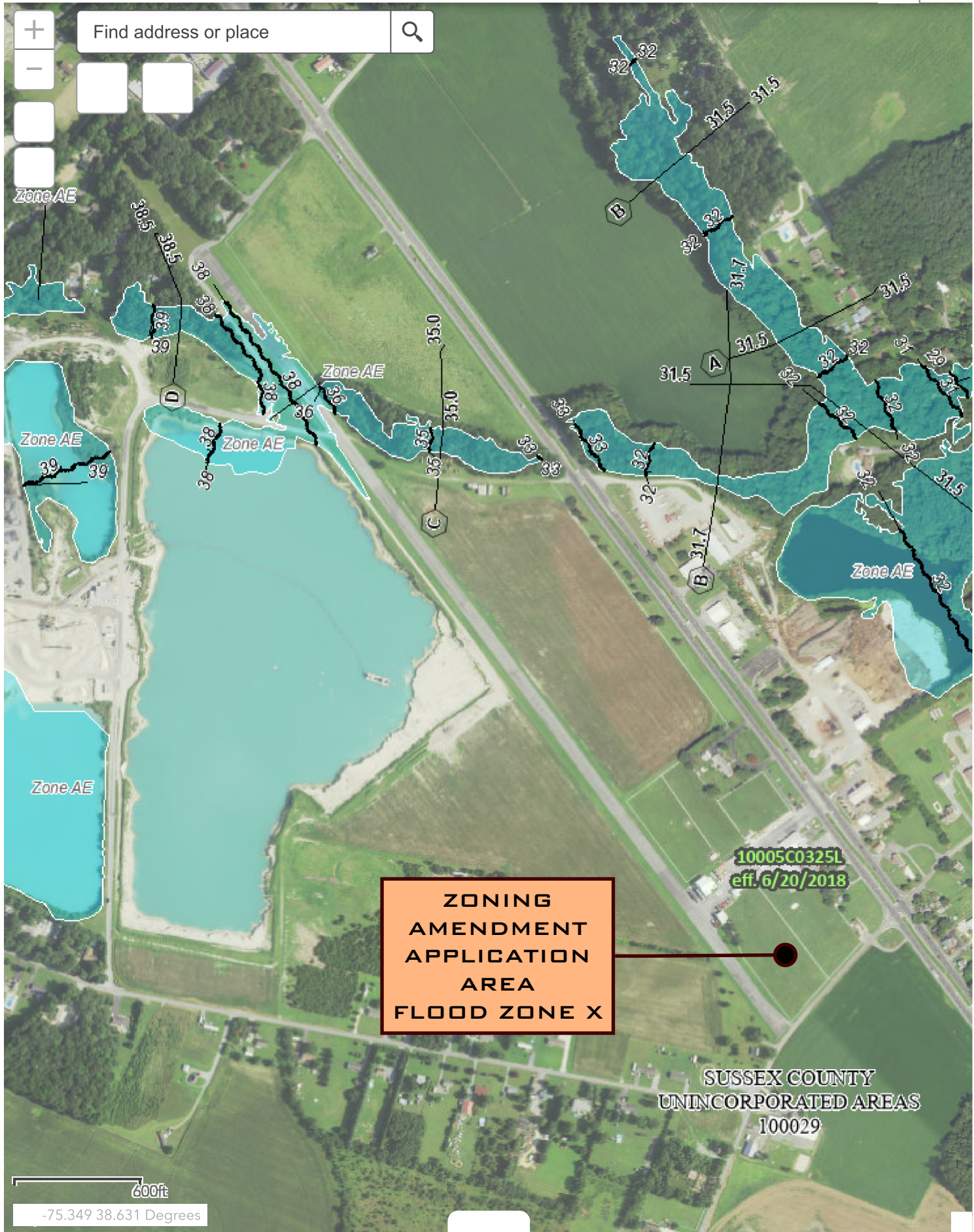
November 10, 2021

- Expansion
- Aglands Preservation Districts
- County Boundaries
- Streets
- Tax Parcels



1:9,028

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



TAB 3

MAPS



| | | | |
|--------------------------|------------------------------------|--|---|
| Figure 1 of 20. 1 | 2017 Orthophoto |  | <div><div></div> Subject Parcels</div> <div><div></div> Other Tax Parcels</div> |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |



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| Figure 2 of 20. 2 | 2012 Orthophoto |  |  Subject Parcels  Other Tax Parcels |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |



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| Figure 3 of 20. 3 | 2007 Orthophoto |  |  Subject Parcels  Other Tax Parcels |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |



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| Figure 4 of 20. 4 | 2002 Orthophoto |  |  Subject Parcels  Other Tax Parcels |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |



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| Figure 5 of 20. 5 | 1997 Orthophoto |  | <div><div></div> Subject Parcels</div> <div><div></div> Other Tax Parcels</div> |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |



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| Figure 6 of 20. 6 | 1992 Orthophoto |  | <div><div></div> Subject Parcels</div> <div><div></div> Other Tax Parcels</div> |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |



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| Figure 7 of 20. 7 | 1968 Orthophoto |  | <div><div></div> Subject Parcels</div> <div><div></div> Other Tax Parcels</div> |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |



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| Figure 8 of 20. 8 | 1961 Orthophoto |  | <div><div></div> Subject Parcels</div> <div><div></div> Other Tax Parcels</div> |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |



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| Figure 9 of 20. 9 | 1954 Orthophoto |  |  Subject Parcels  Other Tax Parcels |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |



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| Figure 10 of 20. 10 | 1937 Orthophoto |  | <div><div></div> Subject Parcels</div> <div><div></div> Other Tax Parcels</div> |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |



Figure 11 of 20.

11

2020 State Strategies & Investment Levels

Melvin Joseph Construction Company

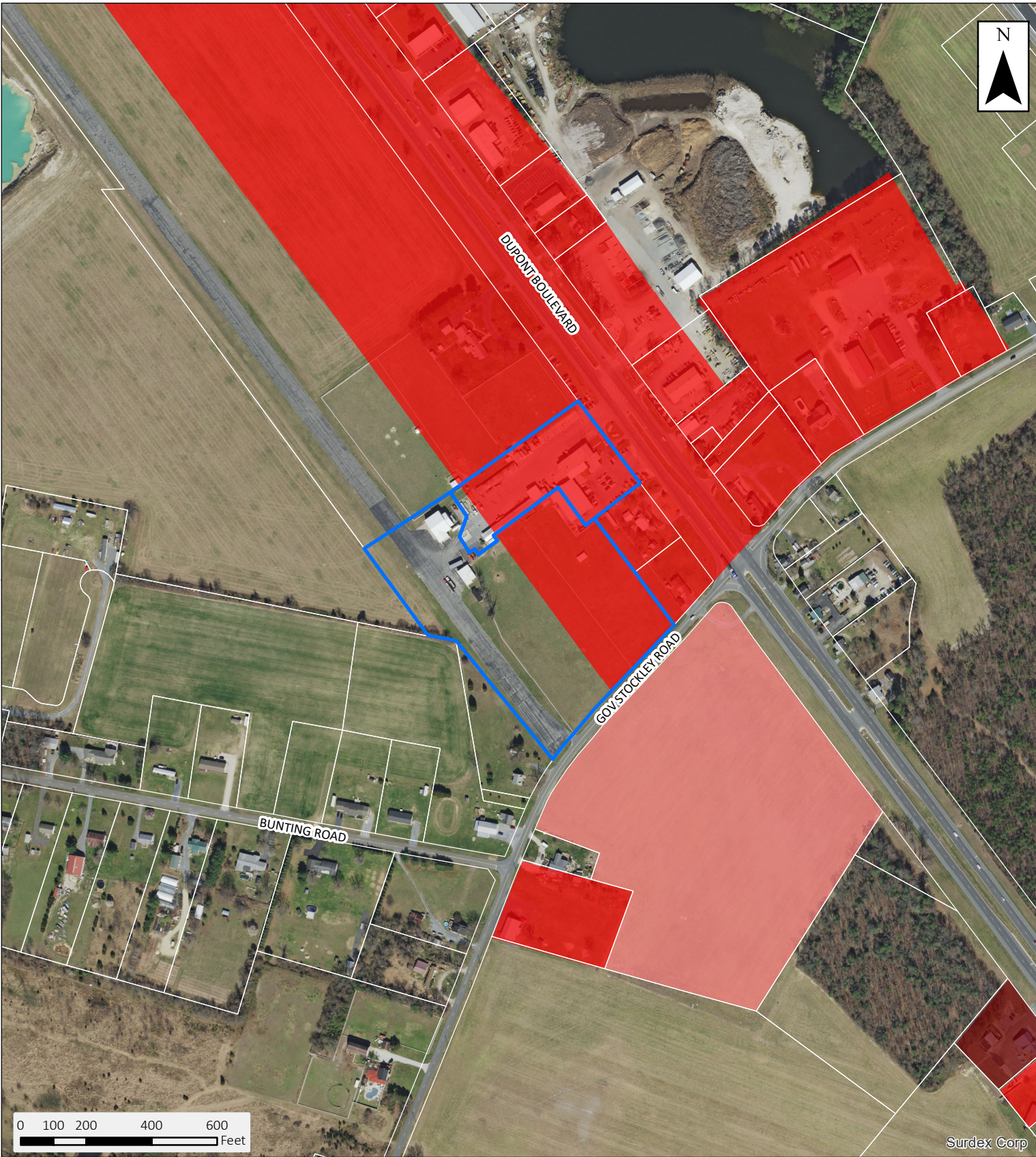
MLJCX21003



Investment Level

 Level 3

 Level 4 (Unshaded)



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| Figure 12 of 20. 12 | County Zoning Map |  |  |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |

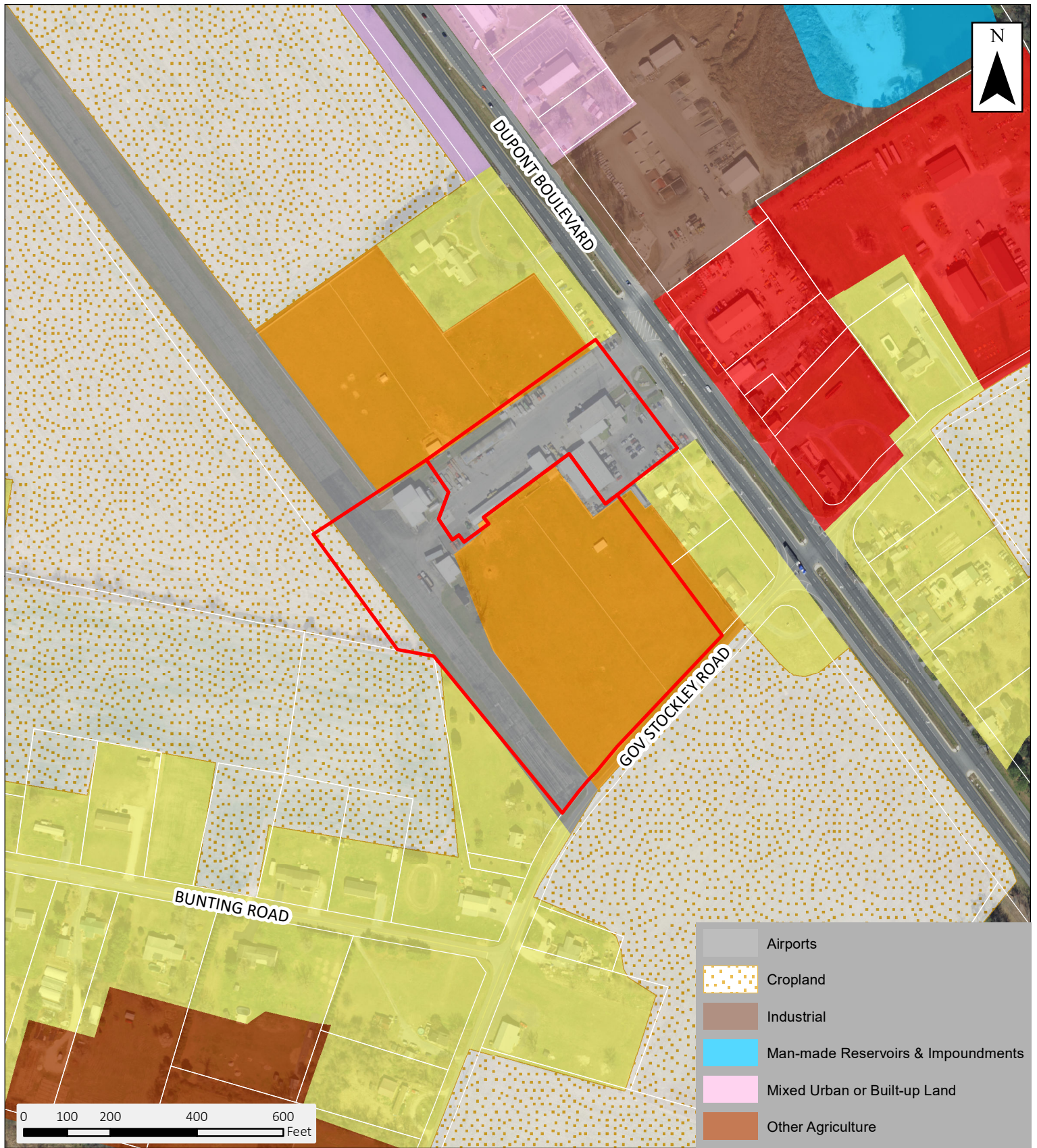


Figure 13 of 20.

13

2012 Land Use Land Cover

Melvin Joseph Construction Company

MLJCX21003



Airports

Cropland

Industrial

Man-made Reservoirs & Impoundments

Mixed Urban or Built-up Land

Other Agriculture

Other Urban or Built-up Land

Pasture

Retail Sales/Wholesale/Professional

Single Family Dwellings

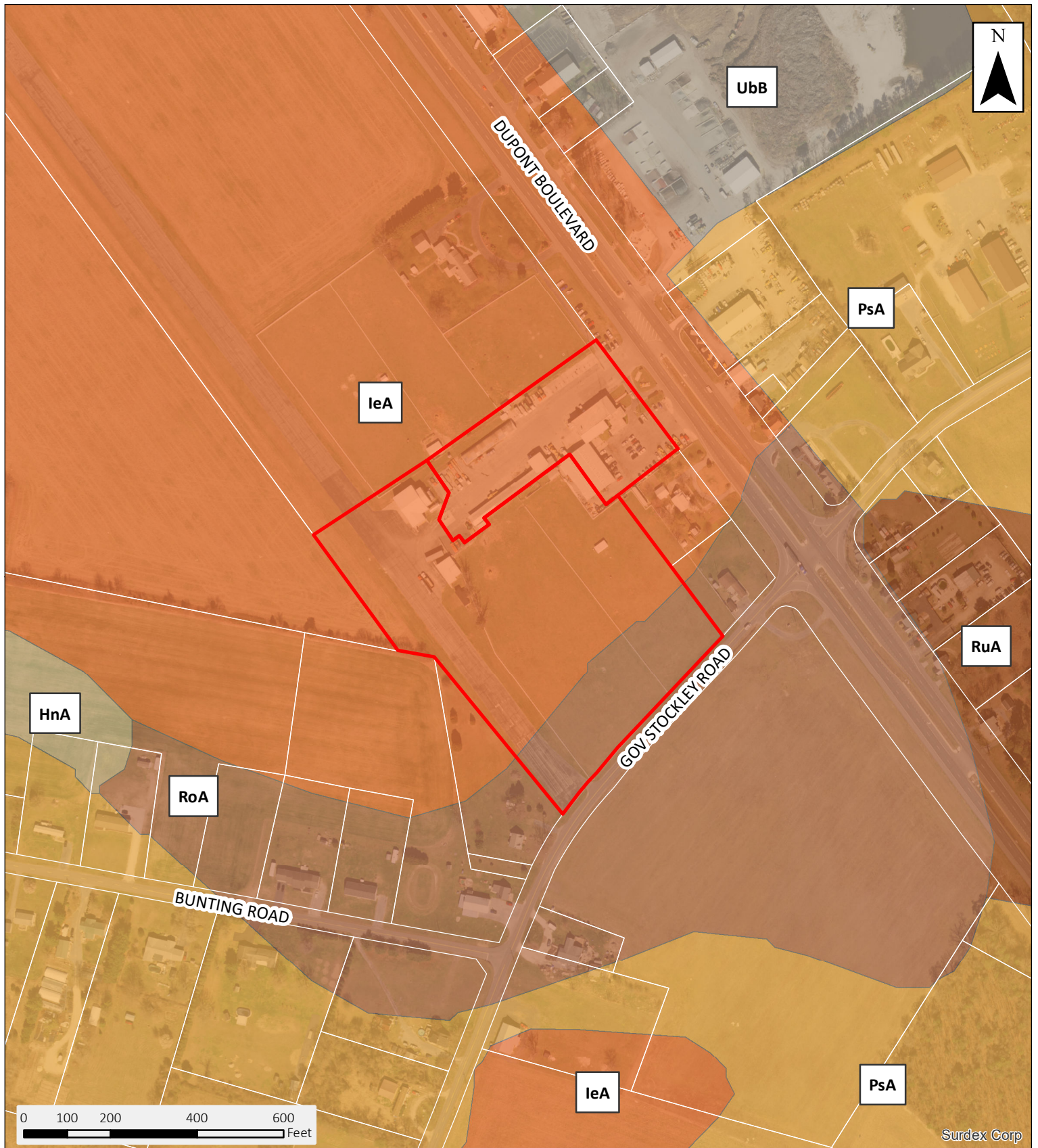


Figure 14 of 20.

14

NRCS Soils Mapping

Melvin Joseph Construction Company

MLJCX21003



Soil Types:

IeA - Ingleside loamy sand, 0-2% slopes, Group A
RoA - Rosedale loamy sand, 0-2% slopes, Group A



Figure 15 of 20.

15

State Wetlands Mapping

Melvin Joseph Construction Company

MLJCX21003



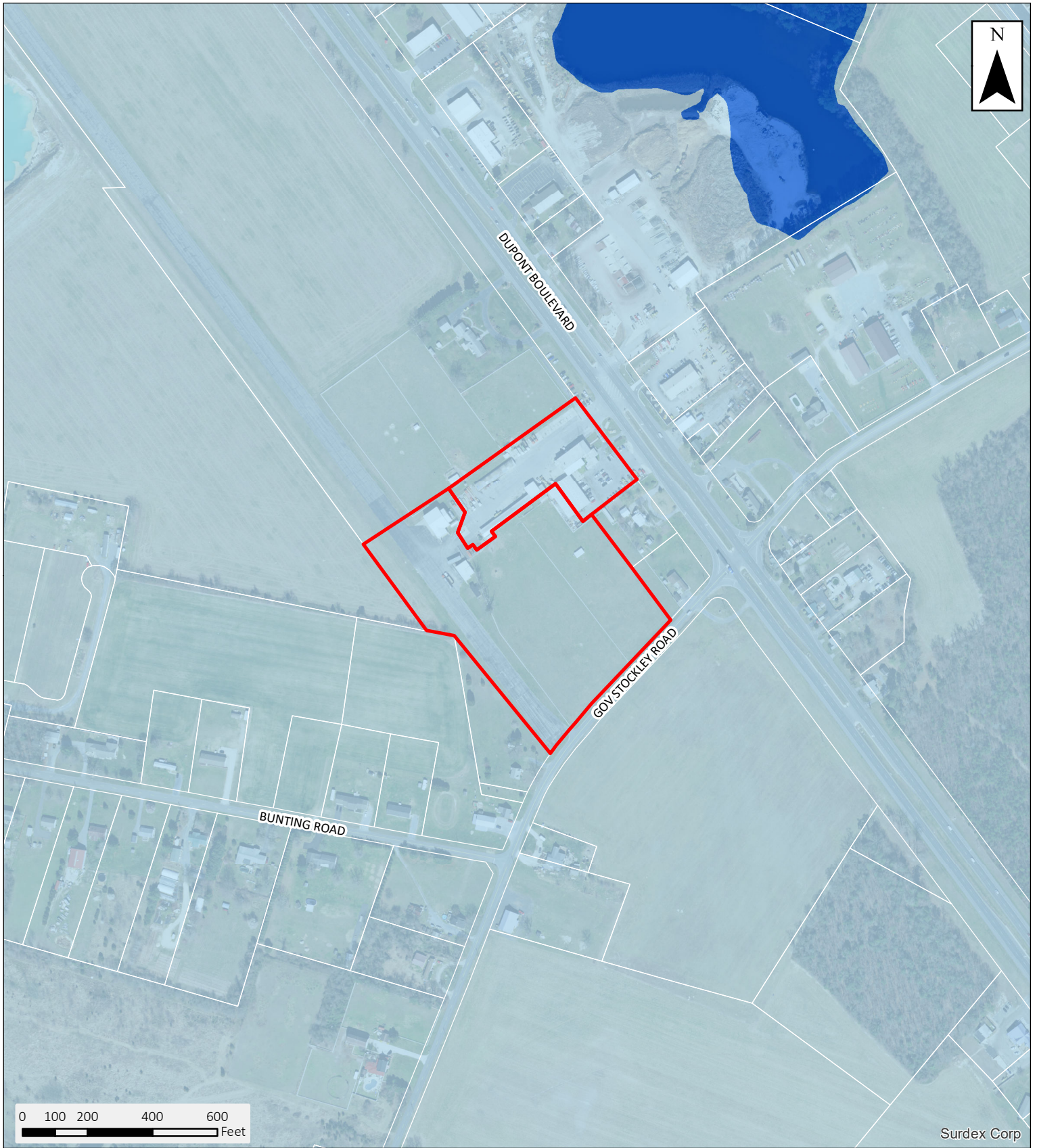


Figure 16 of 20.

16

FEMA Floodplain Mapping

Melvin Joseph Construction Company

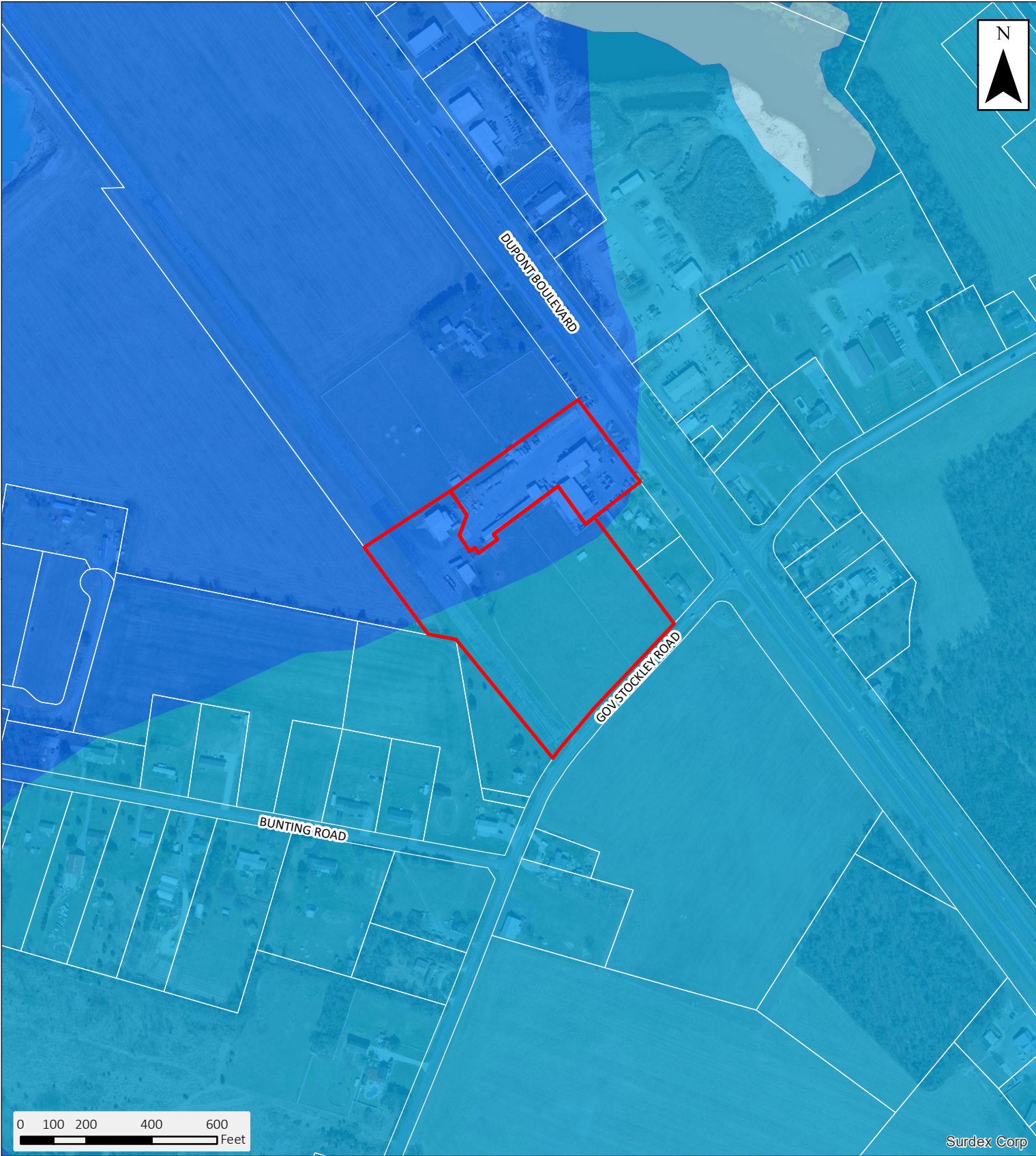
MLJCX21003



Flood Zone

- Zone AE
- Zone X

Flood Map #10005C0325L (6/20/18)



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| Figure 17 of 20. 17 | Groundwater Recharge Potential |  |  |
| | Melvin Joseph Construction Company | | |
| | MLJCX21003 | | |

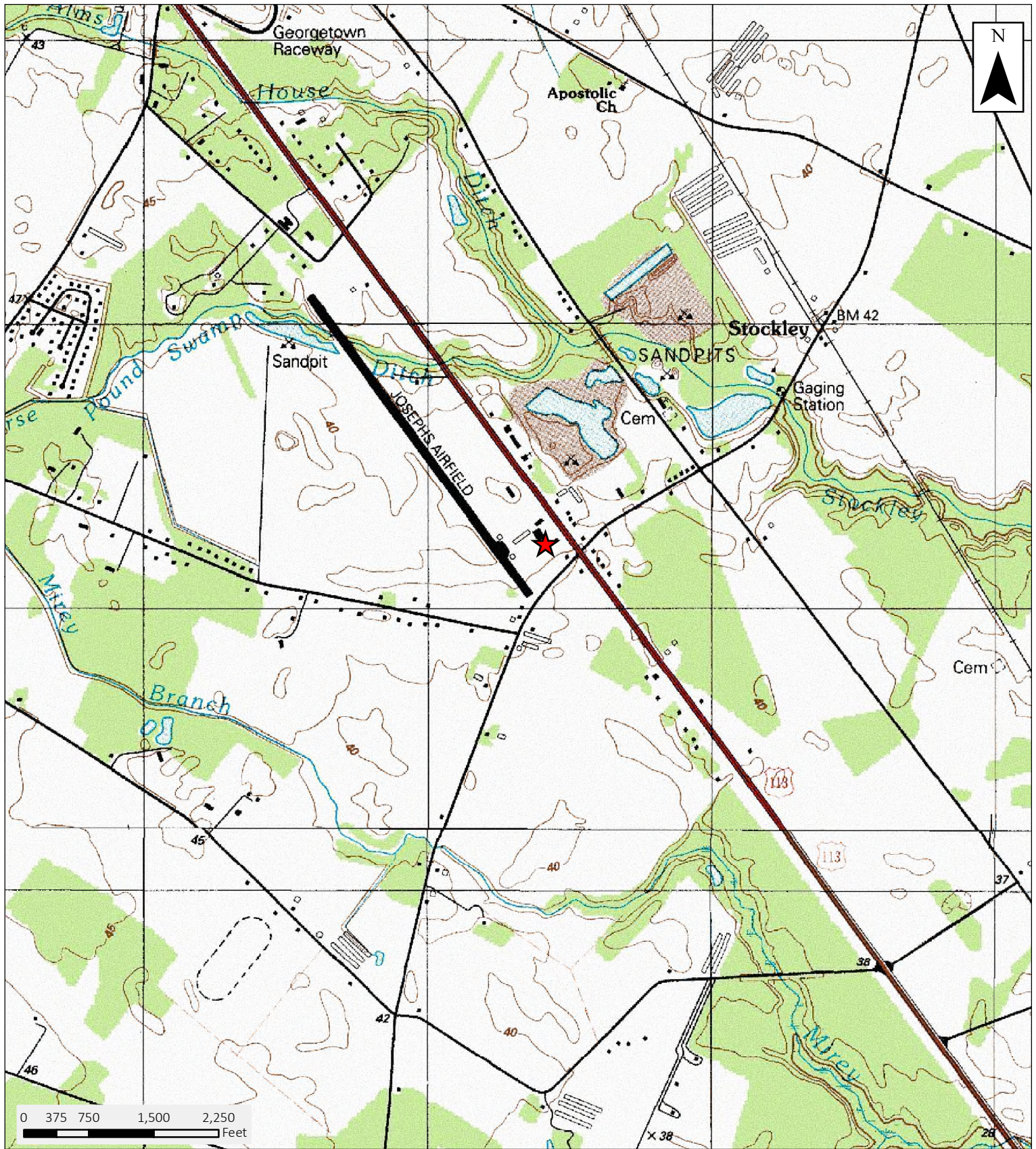


Figure 18 of 20.

18

USGS Topographic Map

Melvin Joseph Construction Company

MLJCX21003





County Zoning

| | | | |
|-----------------|------|-----|-----|
| AR-1 (Unshaded) | CR-1 | C-3 | I-1 |
| GR | C-1 | | |

