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







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

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

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

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 Cubbage 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



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Other Business Memo for December 16, 2021 Page 2

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 Cubbage 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.

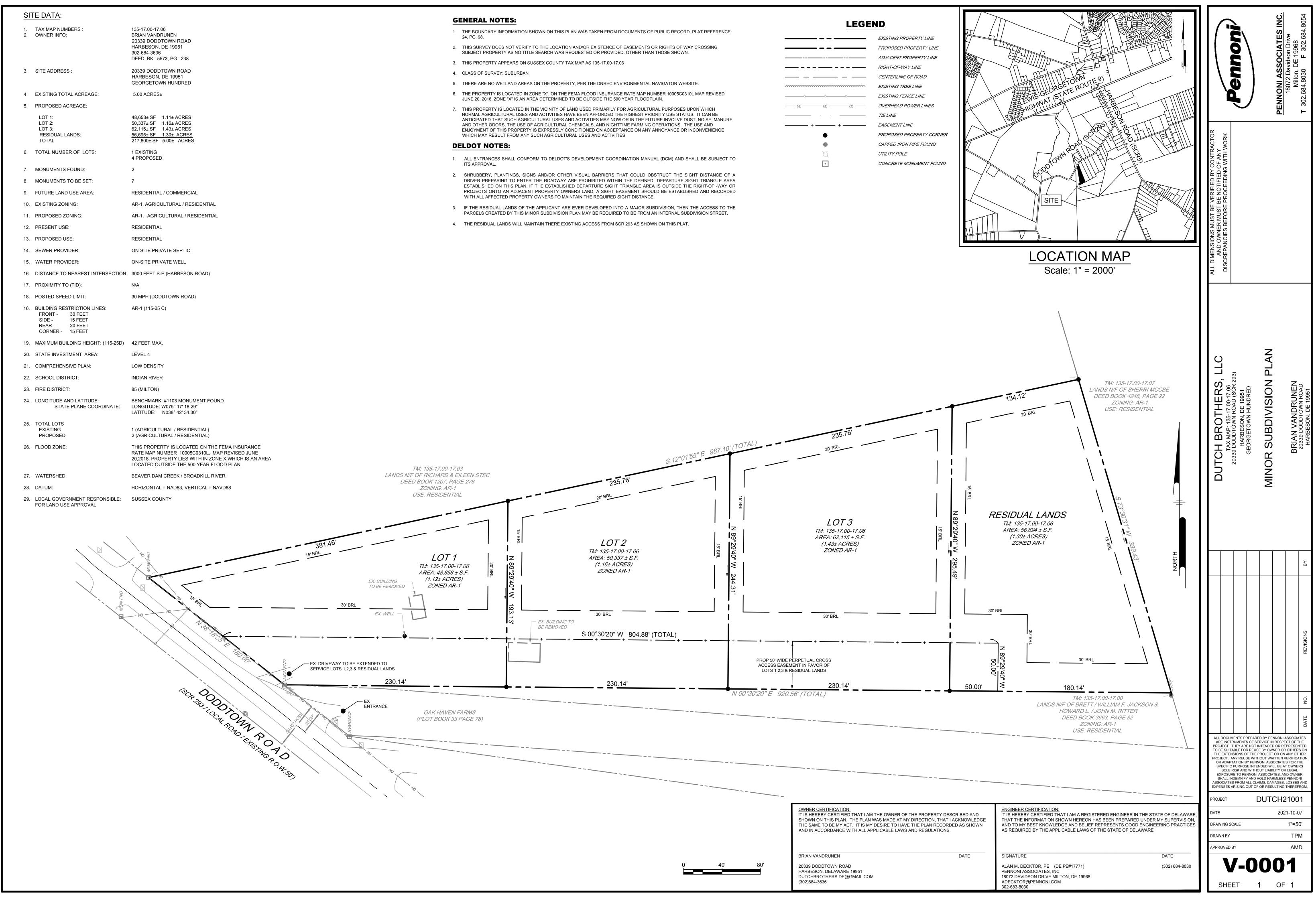
On January 12, 2016, the Planning and Zoning Commission approved a six-month time extension which was valid until July 1, 2016.

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 futher 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.





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>	Description	Last Revised
Drawings Prepared by Pe	nnoni Associates Inc.	
V-0001	Revised minor Subdivision Plan	11/19/2021

Preliminary Site Plan Comments:

- 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.

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Alan Decktor, PE, ENV SP Senior Engineer

CC.

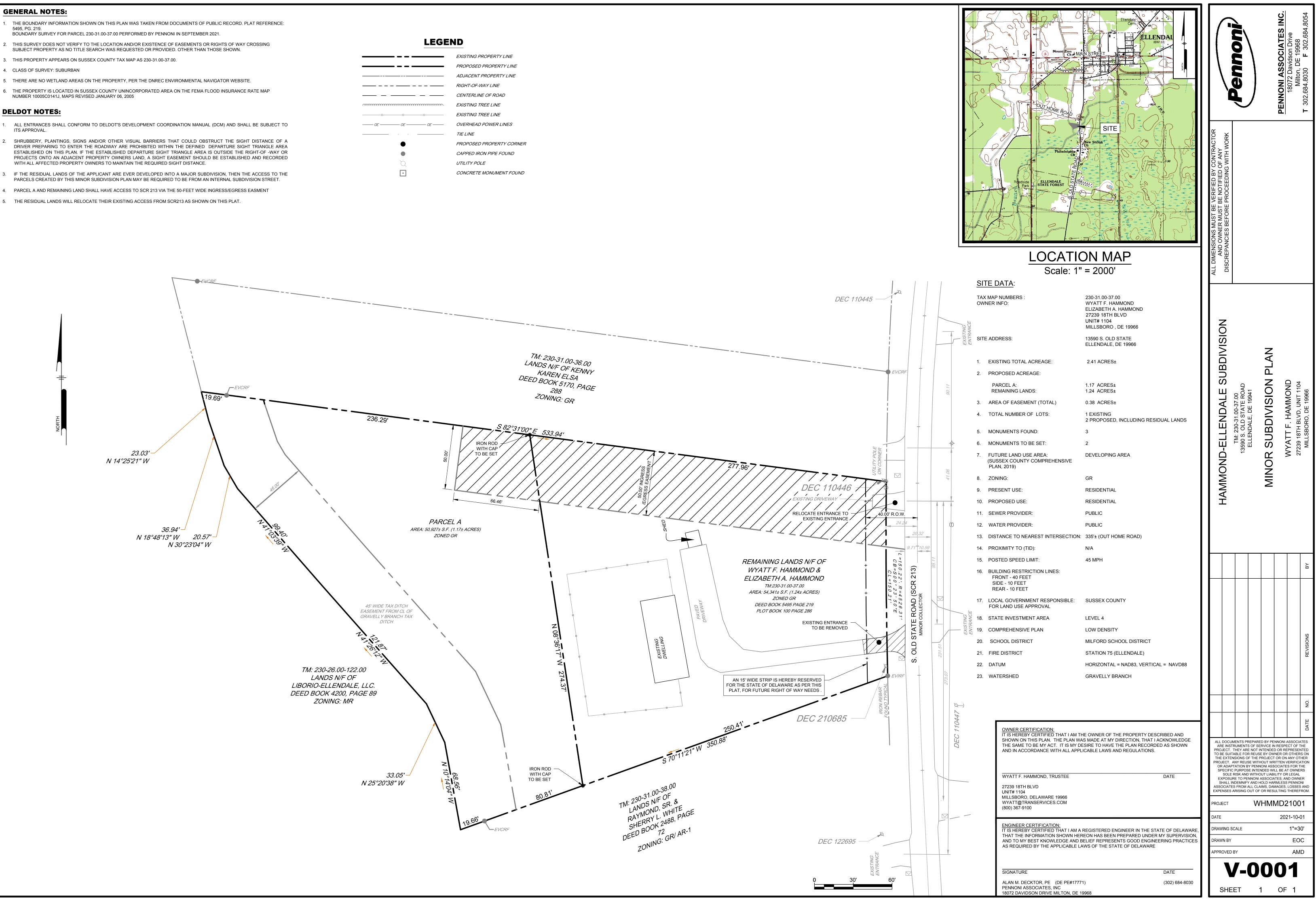
U:\Accounts\DUTCH\DUTCH21001 - Doddtown Road Subdivision\DELIVERABLES\P2\2021-11-19 2nd Sub\2021-11-19 Prelim Response Letter.docx

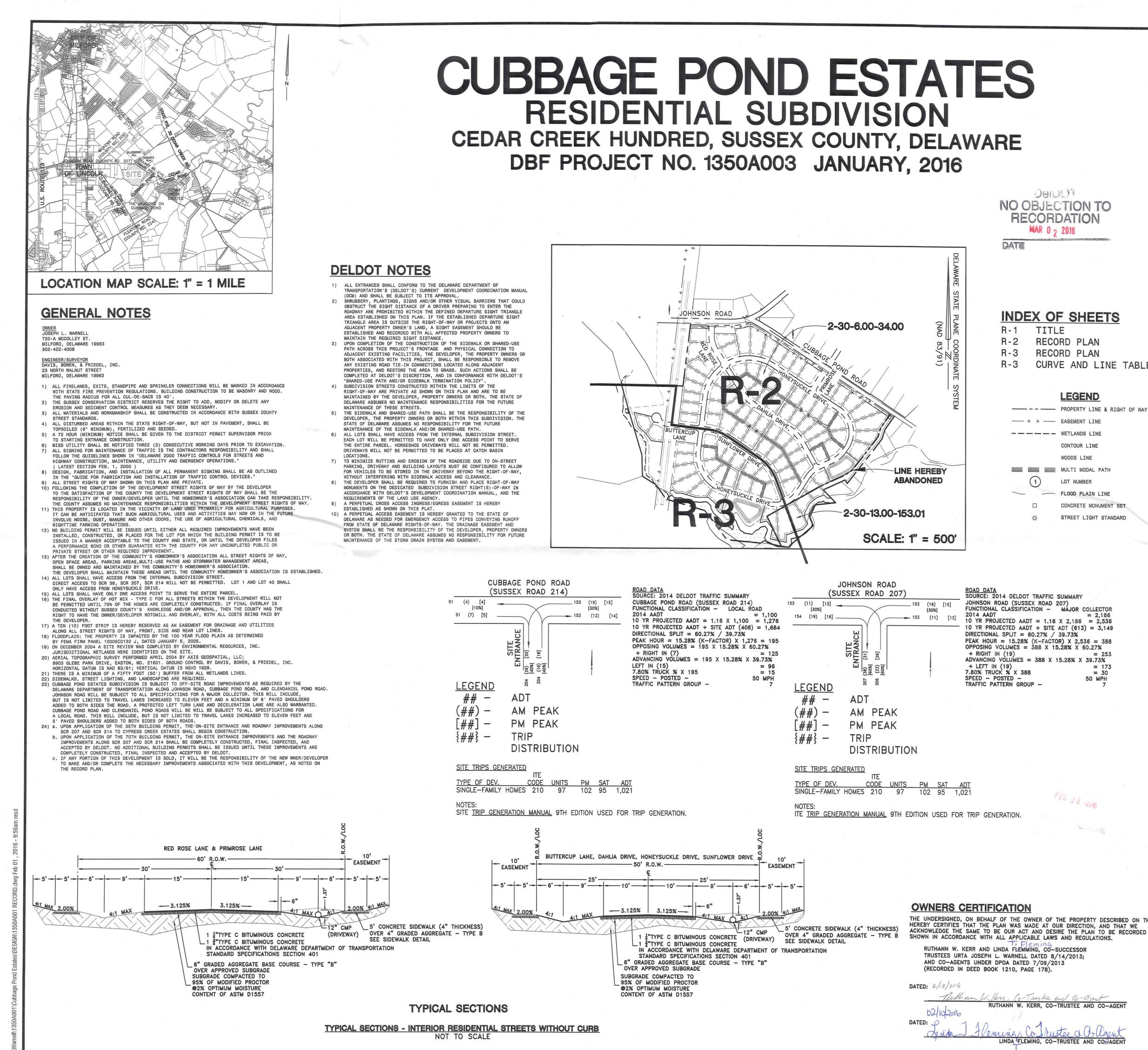
GENERAL NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD. PLAT REFERENCE:
- SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED. OTHER THAN THOSE SHOWN.
- THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP AS 230-31.00-37.00.
- 4. CLASS OF SURVEY: SUBURBAN
- 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:

- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
- 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.





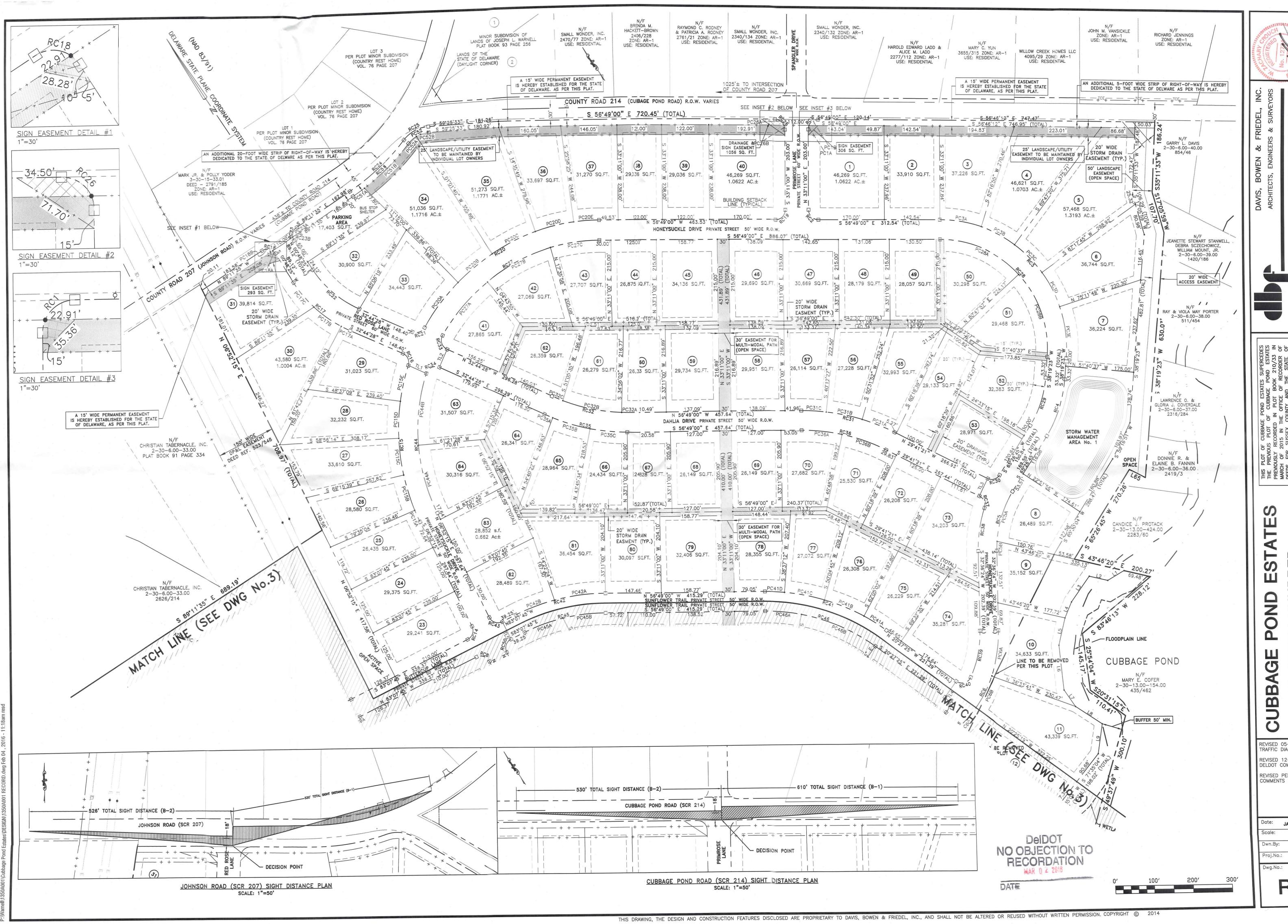
CURVE AND LINE TABLE

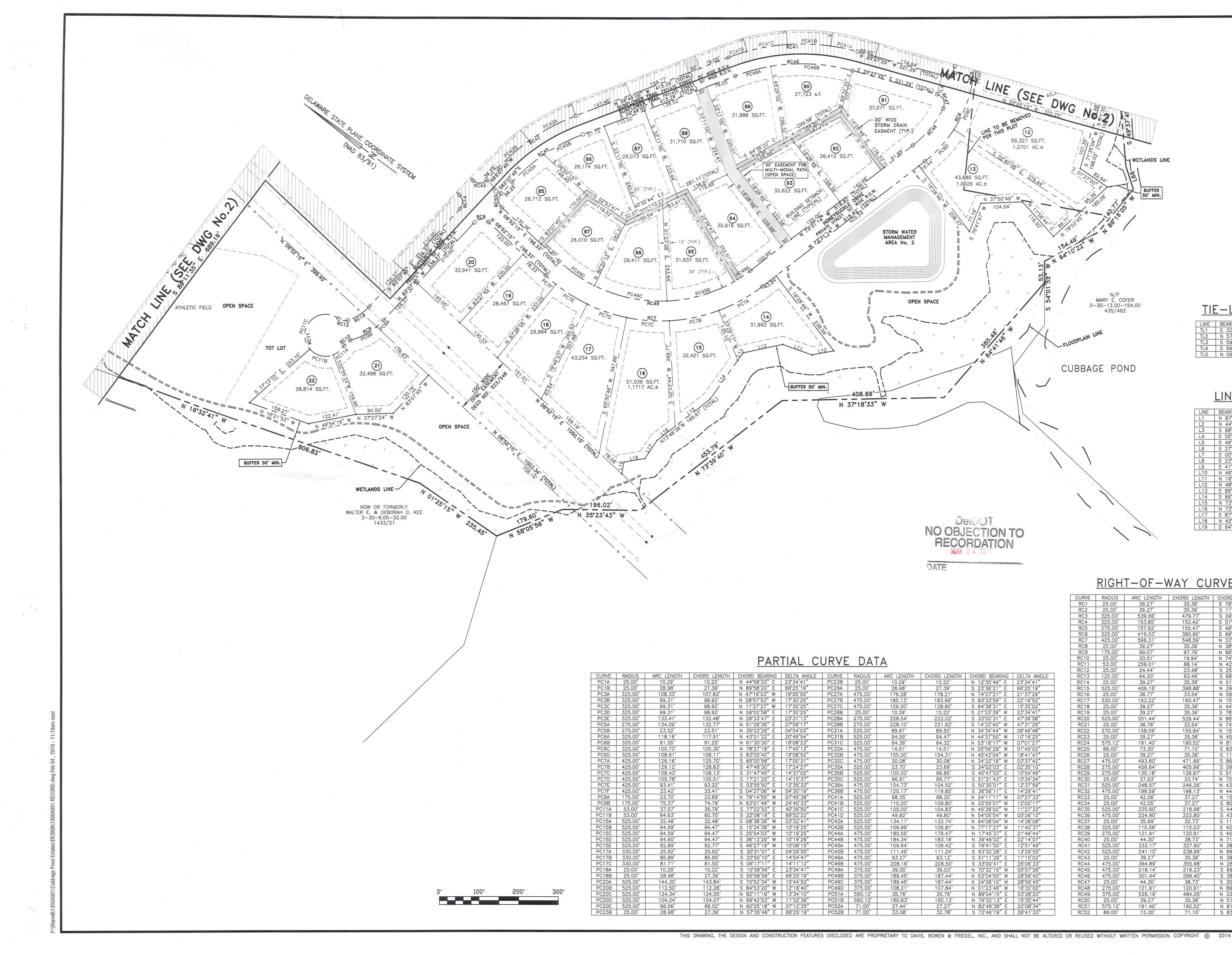
CONCRETE MONUMENT SET STREET LIGHT STANDARD

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PROPERTY		THIS	PLAN,
DIRECTION, THE PLAN ND REGULAT	TO BE	ED AS	
CESSOR			

	RUA RUB OTE	
	Rua Rua Sab Wo Rub Rub Rub Rub Rub	DAVIS, BOWEN & FRIEDEL, INC. ARCHITECTS, ENGINEERS & SURVEYORS SALISBURY, MARYLAND (410) 543-9091 MILFORD, DELAWARE (302) 424-1441
ES	SOILS MAP 1°=800' SOURCE MAP IS USDA SOIL CONSERVATION SERVICE SOIL SURVEY OF SUSSEX COUNTY ISSUED MAY 1974 ESDEVESBORO LOAMY SAND 5-15% SLOPES RUARUMFORD LOAMY SAND, 0-2% SLOPES RUBRUMFORD LOAMY SAND, 0-5% SLOPES SwSWAMP	RECORD PLAN
	MAP & PARCEL NUMBER:2-30-6.00-34.00, 2-30-13.00-282.00 DEED REFERENCE:2937/300, 2937/285 OWNER/DEVELOPER:JOSEPH L. WARNELL 720-A MCCOLLEY ST. MILFORD, DE 19963 PREPARED RV:	STATES SUPERCEDES GE POND ESTATES BOOK 210/33 IN OF RECORDER OF ID THE STATE OF EASEMENTS ALONG ROAD AND REVISED
	PREPARED BY:DAVIS, BOWEN AND FRIEDEL, INC. 23 NORTH WALNUT STREET MILFORD, DE 19963 (302) 424-1441 ZONING:AR (AGRICULTURE/RESIDENTIAL) TOTAL SITE AREA:	THIS PLOT OF CUBBAGE POND ESTATES THE PREVIOUS PLOT OF CUBBAGE PO PREVIOUSLY RECORDED IN PLOT BOOK MARCH OF 2015 IN THE OFFICE OF RI DEEDS FOR SUSSEX COUNTY AND THE DELAWARE. THE PURPOSE OF PLAN: REVISE EASEM JOHNSON ROAD & CUBBAGE POND ROAD DELDOT NOTES.
	SURVEY CLASSIFICATION:URBAN SETBACK REQUIREMENTS: 30' FRONT 15' SIDE 20' REAR MAXIMUM BUILDING HEIGHT42' PROPOSED WATERINDIVIDUAL ON SITE PROPOSED SEPTICINDIVIDUAL ON SITE FLOODPLAIN: THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOOD PLAIN AS DETERMINED BY FEMA FIRM PANEL 10005C0132 K, DATED MARCH 16, 2015.	ESTATES DRED
	<page-header></page-header>	CUBBAGE POND I CEDAR CREEK HUND SUSSEX COUNTY, DELAWAR
IS PLAN, AS	I.W. ZACHARY CROUCH. HEREBY STATE 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. No. 12734 DATE: No. 12734 SIGNATURE: MMM	REVISED TRAFFIC DIAGRAM 05-02-2015 REVISED PER DELDOT COMMENTS 12-01-2015 REVISED PER DELDOT COMMENTS 12-30-2015
	SECRETARY OF THE COMMISSION MULTIC HISTORY SIGNATURE HISTORY PRESIDENT OF THE SUSSEX COUNTY COUNCIL MULTIC	Date:JANUARY, 2016Scale:AS SHOWNDwn.By:PABProj.No.:1350A003Dwg.No.:
* * * · ,	SIGNATURE DATE	R-1





	PARTIAL	CURVE	DATA
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CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHOR
PC1A	25.00'	10.29'	10.22'	N 44°58'20" E	23°34'41"	PC23B	25.00'	10.29'	10.22'	N 12
PC1B	25.00'	28.98'	27.39'	N 89°58'20" E	66°25'19"	PC26A	25.00'	28.98'	27.39'	S 23
PC3A	325.00'	108.33'	107.83'	N 47°16'03" W	19°05'55"	PC27A	475.00'	179.28'	178.21'	N 74
PC3B	325.00'	99.31'	98.92'	N 28°57'53" W	17°30'25"	PC27B	475.00'	185.13'	183.96'	S 83
PC3C	325.00'	99.31 [']	98.92'	N 11°27'27" W	17°30'25"	PC27C	475.00'	129.20'	128.80'	S 64
PC3D	325.00'	99.31'	98.92'	N 06°02'58" E	17°30'25"	PC26B	25.00 '	10.29'	10.22'	S 2'
PC3E	325.00'	133.41'	132.48'	N 26°33'47" E	23°31'13"	PC28A	275.00'	228.54'	222.02'	S 3.
PC5A	275.00'	134.09'	132.77'	N 51°28'36" E	27°56'17"	PC28B	275.00'	228.10'	221.62'	S 14
PC5B	275.00'	23.52'	23.51'	N 35°03'26" E	04°54'03"	PC31A	525.00'	89.61'	89.50'	N 34
PC6A	325.00'	118.16'	117.51'	N 43°01'22" E	20°49'54"	PC31B	525.00'	94.59'	94.47'	N 44
PC6B	325.00'	91.55'	91.25'	N 61°30'30" E	16°08'23"	PC31C	525.00'	64.36'	64.32'	N 53
PC6C	325.00'	100.70'	100.30'	N 78°27'18" E	17°45'13"	PC32A	475.00°	14.51'	14.51'	N 55
PC6D	325.00'	108.61'	108.11'	S 83°05'40" E	19°08'52"	PC32B	475.00'	155.00'	154.31'	N 4
PC7A	425.00'	126.16'	125.70'	S 65°00'58" E	17°00'31"	PC32C	475.00'	30.08'	30.08'	N 34
PC7B	425.00'	129.12'	128.63'	S 47°48'30" E	17°24'27"	PC35A	525.00'	23.70'	23.69'	S 3
PC7C	425.00'	108.43'	108.13'	S 31°47'45" E	14°37'02"	PC35B	525.00'	100.00'	99.85'	S 4
PC7D	425.00'	105.78'	105.51'	S 17°21'25" E	14°15'37"	PC35C	525.00'	96.91'	96.77'	S 5
PC7E	425.00'	93.41'	93.22'	S 03°55'50" E	12'35'33"	PC36A	475.00'	104.73'	104.52'	S 5
PC7F	425.00'	33.42'	33.41'	S 04°37'06" W	04°30'19"	PC36B	475.00'	120.17'	119.85'	S 3
PC9A	175.00'	23.70'	23.69'	N 79°14'55" W	07°45'39"	PC41A	525.00'	68.35'	68.30'	N 2
PC9B	175.00'	75.37'	74.79'	N 63°01'49" W	24°40'33"	PC41B	525.00'	110.00'	109.80'	N 3
PC11A	53.00'	37.57'	36.79'	S 77°22'52" E	40°36'50"	PC41C	525.00'	105.00'	104.83'	N 4
PC11B	53.00'	64.63'	60.70'	S 22°08'16" E	69*52'22"	PC41D	525.00'	49.82'	49.80'	N 54
PC15A	525.00'	32.48'	32.48'	S 08°38'36" W	03°32'41"	PC42A	525.00'	134.11'	133.74'	N 6
PC15B	525.00'	94.59'	94.47'	S 15°34'38" W	10"19'25"	PC42B	525.00'	106.99'	106.81'	N 7
PC15C	525.00'	94.59'	94.47'	S 25°54'03" W	10°19'25"	PC44A	475.00'	180.55'	179.47'	N 1
PC15D	525.00'	94.60'	94.47'	S 36°13'29" W	10°19'26"	PC44B	475.00'	184.34'	183.18'	N 3
PC15E	525.00'	92.89'	92.77'	S 46°27'19" W	10°08'15"	PC45A	475.00'	106.64'	106.42'	S 7
PC17A	330.00'	25.62'	25.62'	S 30°31'01" E	04°26'55"	PC45B	475.00'	111.49'	111.24'	S 6
PC17B	330.00'	85.89'	85.65'	S 20°50'10" E	14°54'47"	PC46A	475.00'	93.27'	93.12'	S 5
PC17C	330.00'	81.71'	81.50'	S 06°17'11" E	14°11'12"	PC46B	475.00'	208.16'	206.50'	S 3
PC18A	25.00'	10.29'	10.22'	S 10°58'56" E	23°34'41"	PC49A	375.00'	39.05'	39.03'	N 7
PC18B	25.00'	28.98'	27.39'	S 55°58'56" E	66°25'19"	PC49B	375.00'	189.45'	187.44'	N 5
PC20A	525.00'	144.30'	143.84'	S 70°52'34" W	15°44'52"	PC49C	375.00'	189.45'	187.44'	N 2
PC20B	525.00'	112.50'	112.28'	S 84°53'20" W	12'16'40"	PC49D	375.00'	108.21'	107.84'	N O
PC20C	525.00'	124.34'	124.05'	N 82°11'16" W	13°34'10"	PC51A	590.12'	35.76'	35.76'	N 8
PC20D	525.00'	104.24'	104.07'	N 69°42'53" W	11'22'36"	PC51B	590.12'	160.63'	160.13'	N 7
PC20E	525.00'	66.06'	66.02'	N 60°25'18" W	07°12'35"	PC52A	71.00'	27.44'	27.27'	N 8
PC23B	25.00'	28.98'	27.39'	N 57°35'46" E	66°25'19"	PC52B	71.00'	33.08'	32.78'	S 7

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TIE	E-LINE	DATA
LINE	BEARING	DISTANCE
TL1	S 32°25'47" E	50.31'
TL2	N 57°16'10" E	50.00'
TL3	S 59°43'48" W	50.00'
TL4	S 69°32'35" W	50.00'
TL5	N 06°52'15" E	50.00'
	2	

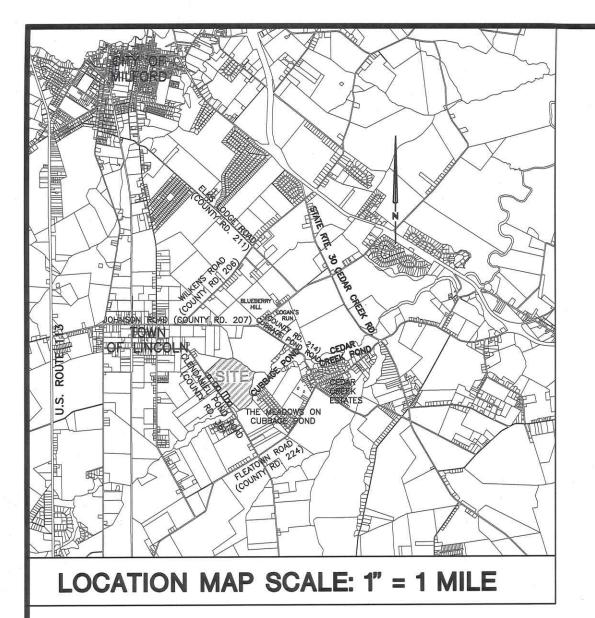
LINE DATA

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°28'52" 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
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			11/11 OO		
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'	539.66'	479.77'	S 09°14'48" E	95°08'24"
RC4	325.00'	153.85'	152.42'	S 51°53'04" W	27°07'21"
RC5	275.00'	157.62'	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'	99.07'	97.76'	N 66°54'39" W	32°26'13"
RC10	25.00'	20.51'	19.94'	N 74°11'25" W	46°59'45"
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 68°25'00" E	29°25'30"
RC14	25.00'	39.27'	35.36'	N 51°52'15" E	90°00'00"
RC15	525.00'	409.16'	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	86.00'	73.30'	71.10'	S 83°50'36" E	48°50'07"
RC26	25.00'	39.27'	35.36'	S 11°49'00" E	90°00'00"
RC27	475.00'	493.60'	471.69'	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°07'21"
RC30	25.00'	37.03'	33.74'	N 72°07'18" W	84°51'55"
RC31	525.00'	248.57'	246.26'	N 43°15'10" W	27°07'40"
RC32	475.00'	199.59'	198.13'	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'	S 44°46'44" E	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 71°13'31" 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°00'50"
RC45	475.00'	218.14'	216.23'	S 69°58'23" E	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 30°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°50'07"

W. TOTAR CONTRACTOR	outic
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 SUPERCEDES THE PREVIOUS PLOT OF CUBBAGE POND ESTATES PREVIOUSLY RECORDED IN PLOT BOOK 210/33 IN MARCH OF 2015 IN THE OFFICE OF RECORDER OF DEEDS FOR SUSSEX COUNTY AND THE STATE OF DELAWARE. THE PURPOSE OF PLAN: REVISE EASEMENTS ALONG	JOHNSON KOAD & CUBBAGE POND KOAD AND REVISED DELDOT NOTES.
CUBBAGE POND ESTATES CEDAR CREEK HUNDRED	SUSSEX COUNTY, DELAWARE
REVISED 05-02-201 TRAFFIC DIAGRAM REVISED 12-01-201 DELDOT COMMENTS REVISED 12-30-201 DELDOT COMMENTS Date: JANUARY, 2 Scale: 1" = 100	5 5 0 16
Dwn.By: PAB Proj.No.: 1350A00 Dwg.No.: Dwg.No.:	



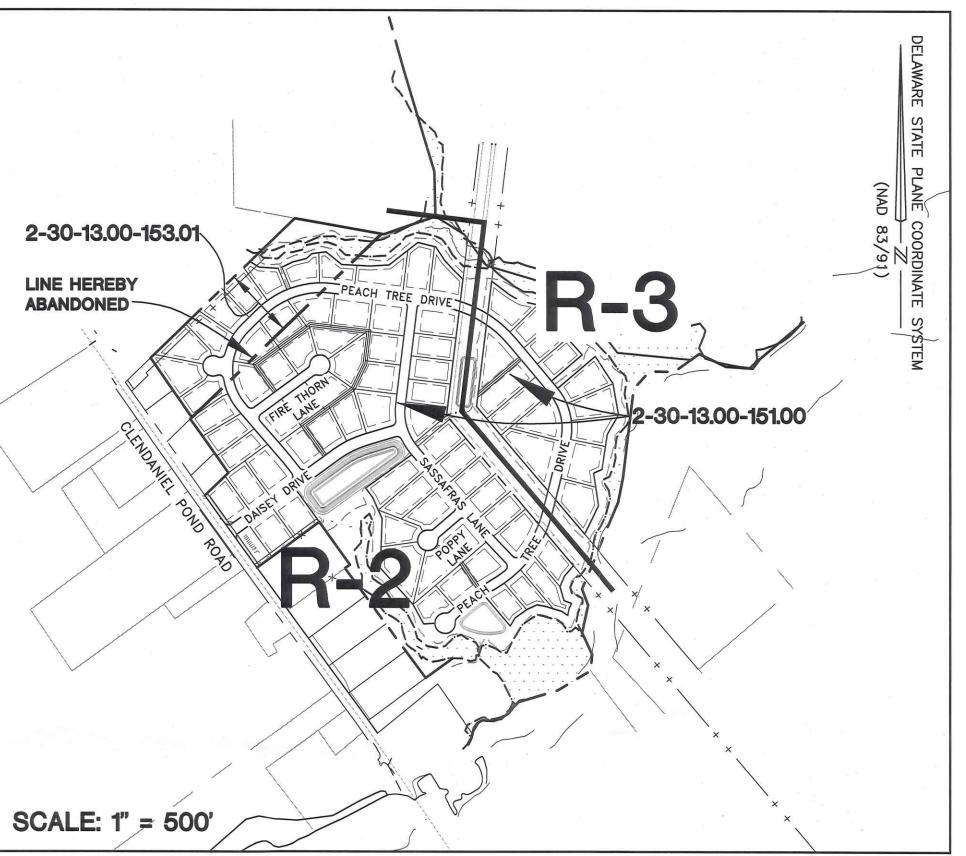
GENERAL NOTES

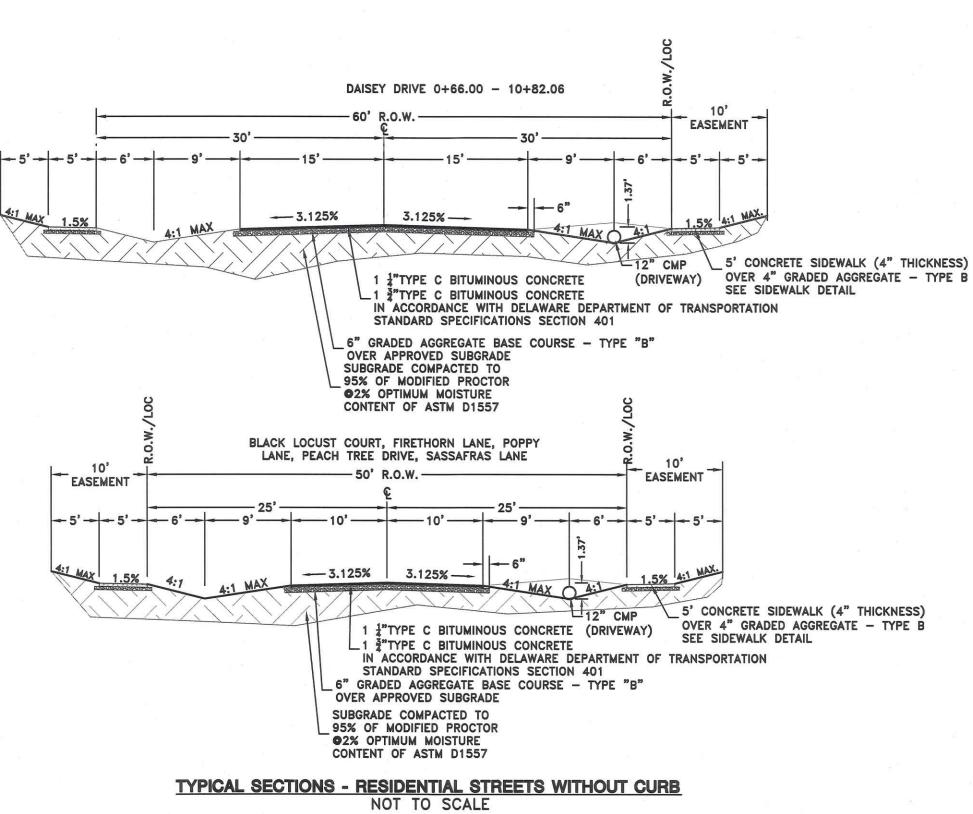
- ALL FIRELANES, EXITS, STANDPIPE AND SPRINKLER CONNECTIONS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD.
- THE PAVING RADIUS FOR ALL CUL-DE-SACS IS 40'. THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- 3) ALL MATERIALS AND WORKMANSHIP SHALL BE CONSTRUCTED IN ACCORDANCE WITH SUSSEX COUNT STREET STANDARDS.
- 4) ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDED. 5) A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOF
- TO STARTING ENTRANCE CONSTRUCTION. MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTORS RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "DELAWARE 2000 TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS.
- (LATEST EDITION FEB. 1, 2000) DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES. 9) ALL STREET RIGHTS OF WAY SHOWN ON THIS PLAN ARE PRIVATE. 10) FOLLOWING THE COMPLETION OF THE DEVELOPMENT STREET RIGHTS OF WAY BY THE DEVELOPER
- TO THE SATISFACTION OF THE COUNTY THE DEVELOPMENT STREET RIGHTS OF WAY SHALL BE THE SPONSIBILITY OF THE OWNER/DEVELOPER UNTIL THE HOMEOWNER'S ASSOCIATION CAN TAKE RESPONSIBILIT HE COUNTY ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEVELOPMENT STREET RIGHTS OF WAY. 11) THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES. 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 FARMING OPERATIONS. 12) NO BUILDING PERMIT WILL BE ISSUED UNTIL EITHER ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, CONSTRUCTED, OR PLACED FOR THE LOT FOR WHICH THE BUILDING PERMIT IS TO BE SSUED IN A MANNER ACCEPTABLE TO THE COUNTY AND STATE, OR UNTIL THE DEVELOPER FILES A PERFORMANCE BOND OR OTHER GUARANTEE WITH THE COUNTY FOR ANY UNCOMPLETED PUBLIC OF
- PRIVATE STREET OR OTHER REQUIRED IMPROVEMENT. 13) AFTER THE CREATION OF THE COMMUNITY'S HOMEOWNER'S ASSOCIATION ALL STREET RIGHTS OF WAY, OPEN SPACE AREAS, PARKING AREAS, MULTI-USE PATHS AND STORMWATER MANAGEMENT AREAS, SHALL BE OWNED AND MAINTAINED BY THE COMMUNITY'S HOMEOWNER'S ASSOCIATION. E DEVELOPER SHALL MAINTAIN THESE AREAS UNTIL THE COMMUNITY HOMEOWNER'S ASSOCIATION IS ESTABLISHED
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET. RECT ACCESS TO SCR 38, SCR 207, SCR 214 WILL NOT BE PERMITTED. ONLY HAVE ACCESS FROM HONEYSUCKLE DRIVE. ALL LOTS SHALL HAVE ONLY ONE ACCESS POINT TO SERVE THE ENTIRE PARCE
- HE FINAL OVERLAY OF HOT MIX TYPE C FOR ALL STREETS WITHIN THE DEVELOPMENT WILL NO PERMITTED UNTIL 75% OF THE HOMES ARE COMPLETELY CONSTRUCTED. IF FINAL OVERLAY IS ONDUCTED WITHOUT SUSSEX COUNTY'S KNOWLEDGE AND/OR APPROVAL, THEN THE COUNTY HAS THE RIGHT TO HAVE THE OWNER/DEVELOPER ROTOMILL AND OVERLAY, WITH ALL COSTS BEING PAID BY
- 17) A TEN (10) FOOT STRIP IS HEREBY RESERVED AS AN EASEMENT FOR DRAINAGE AND UTILITIES ALONG ALL STREET RIGHTS OF WAY, FRONT, SIDE AND REAR LOT LINES.
- 18) FLOODPLAIN: THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOOD PLAIN AS DETERMINED BY FEMA FIRM PANEL 10005C0132 J, DATED JANUARY 6, 2005. 19) ON DECEMBER 2004 A SITE REVIEW WAS COMPLETED BY ENVIRONMENTAL RESOURCES, INC.
- JURISDICTIONAL WETLANDS WERE IDENTIFIED ON THE SITE. 20) AERIAL TOPOGRAPHIC SURVEY PERFORMED APRIL 2004 BY AXIS GEOSPATIAL, LLC;
- 8903 GLEBE PARK DRIVE, EASTON, MD. 21601. GROUND CONTROL BY DAVIS, BOWEN, & FRIEDEL, INC. HORIZONTAL DATUM IS NAD 83/91; VERTICAL DATUM IS NGVD 1929. 21) THERE IS A MINIMUM OF A FIFTY FOOT (50') BUFFER FROM ALL WETLANDS LINES. SIDEWALKS, STREET LIGHTING, AND LANDSCAPING ARE REQUIRED.
- 23) CUBBAGE POND ESTATES SUBDIVISION IS SUBJECT TO OFF-SITE ROAD IMPROVEMENTS AS REQUIRED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION ALONG JOHNSON ROAD, CUBBAGE POND ROAD, AND CLENDANIEL POND ROAD. JOHNSON ROAD WILL BE SUBJECT TO ALL SPECIFICATIONS FOR A MAJOR COLLECTOR. THIS WILL INCLUDE, BUT IS NOT LIMITED TO TRAVEL LANES INCREASED TO ELEVEN FEET AND A MINIMUM OF 8' PAVED SHOULDERS ADDED TO BOTH SIDES THE ROAD. A PROTECTED LEFT TURN LANE AND DECELERATION LANE ARE ALSO WARRANTED CUBBAGE POND ROAD AND CLENDANIEL POND ROADS WILL BE WILL BE SUBJECT TO ALL SPECIFICATIONS FOR A LOCAL ROAD. THIS WILL INCLUDE, BUT IS NOT LIMITED TO TRAVEL LANES INCREASED TO ELEVEN FEET AND 5' PAVED SHOULDERS ADDED TO BOTH SIDES OF BOTH ROADS.
- 24) a. UPON APPLICATION OF THE 35TH BUILDING PERMIT, THE ON-SITE ENTRANCE AND ROADWAY IMPROVEMENTS ALONG SCR 207 AND SCR 214 TO CYPRESS CREEK ESTATES SHALL BEGIN CONSTRUCTION. b. UPON APPLICATION OF THE 70TH BUILDING PERMIT, THE ON-SITE ENTRANCE IMPROVEMENTS AND THE ROADWAY IMPROVEMENTS ALONG SCR 207 AND SCR 214 SHALL BE COMPLETELY CONSTRUCTED, FINAL INSPECTED, AND ACCEPTED BY DELDOT. NO ADDITIONAL BUILDING PERMITS SHALL BE ISSUED UNTIL THESE IMPROVEMENTS ARE COMPLETELY CONSTRUCTED, FINAL INSPECTED AND ACCEPTED BY DELDOT. C. IF ANY PORTION OF THIS DEVELOPMENT IS SOLD, IT WILL BE THE RESPONSIBILITY OF THE NEW WNER/DEVELOPER TO MAKE AND/OR COMPLETE THE NECESSARY IMPROVEMENTS ASSOCIATED WITH THIS DEVELOPMENT, AS NOTED ON

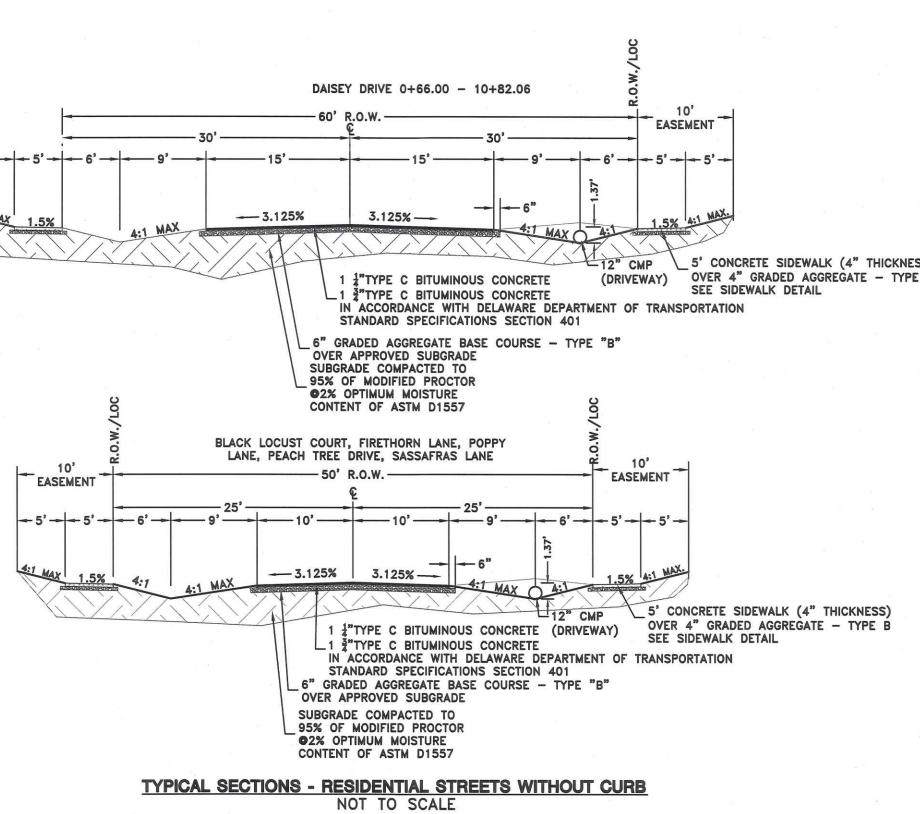
DELDOT NOTES

THE RECORD PLAN.

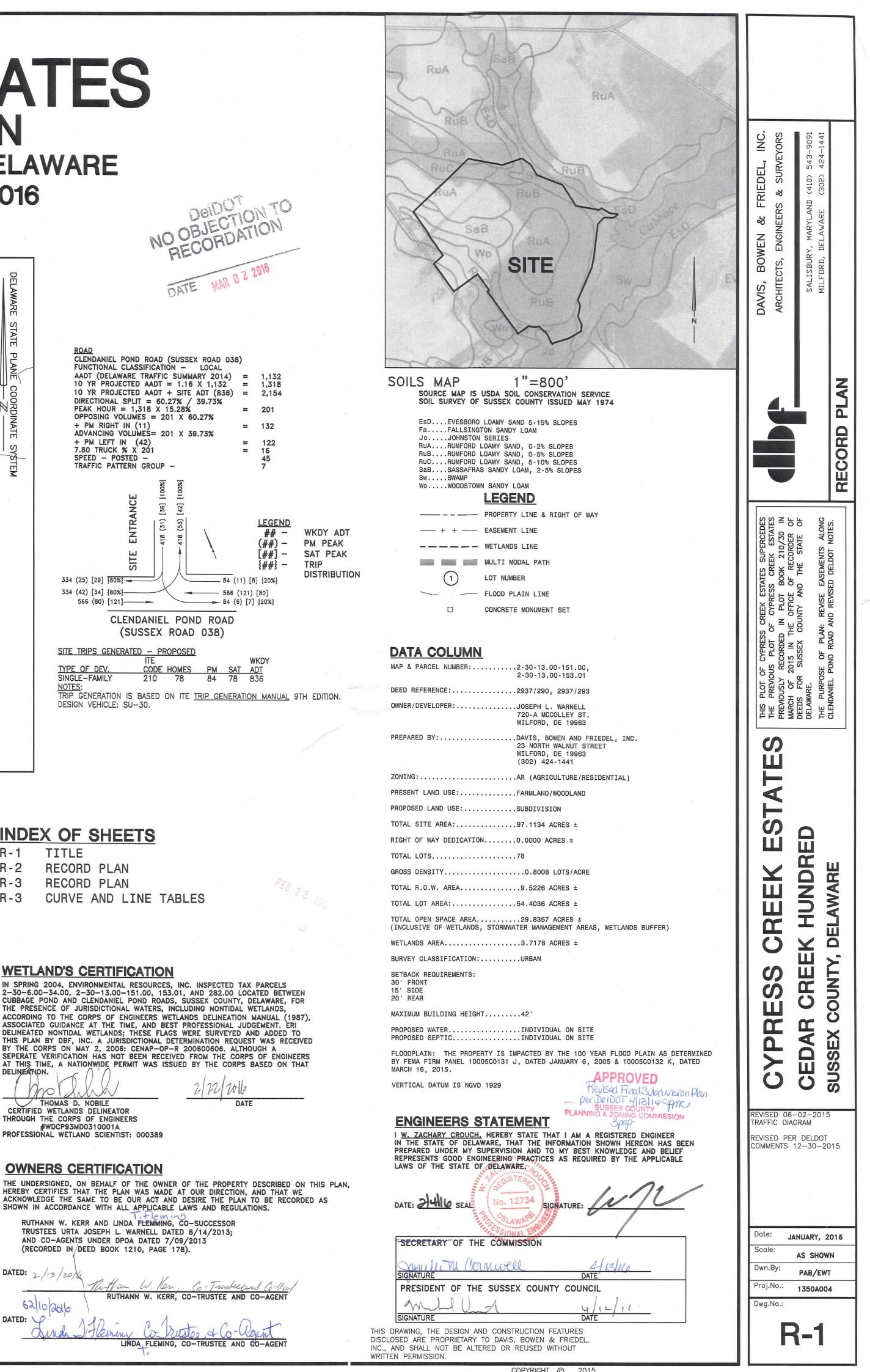
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT
- TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE
- PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT. SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S
- SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY". SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY ARE PRIVATE AS SHOWN ON THIS PLAN AND ARE TO BE MAINTAINED BY THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO MAINTENANCE RESPONSIBILITIES FOR THE FUTURE
- MAINTENANCE OF THESE STREETS. THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET EACH LOT WILL BE PERMITTED TO HAVE ONLY ONE ACCESS POINT TO SERVE THE ENTIRE PARCEL. HORSESHOE DRIVEWAYS WILL NOT BE PERMITTED. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS ON THE DEDICATED SUBDIVISION STREET RIGHT(S)-OF-WAY IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL, AND THE REQUIREMENTS OF THE LAND USE AGENCY. 9) A PERPETUAL CROSS ACCESS INGRESS/EGRESS EASEMENT IS HEREBY
- ESTABLISHED AS SHOWN ON THIS PLAT. 10) A PERPETUAL ACCESS EASEMENT IS HEREBY GRANTED TO THE STATE OF DELAWARE AS NEEDED FOR EMERGENCY ACCESS TO PIPES CONVEYING RUNOFF FROM STATE OF DELAWARE RIGHTS-OF-WAY. THE DRAINAGE EASEMENT AND SYSTEM SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR FUTURE MAINTENANCE OF THE STORM DRAIN SYSTEM AND EASEMENT.







CYPRESS CREEK ESTATES RESIDENTIAL SUBDIVISION CEDAR CREEK HUNDRED, SUSSEX COUNTY, DELAWARE DBF PROJECT NO. 1350A004 JANUARY, 2016



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- K 1 TITLE R-2
- R-3
- R-3 CURVE AND LINE TABLES

WETLAND'S CERTIFICATION

DELINEATION.

ino THOMAS D. NOBILE CERTIFIED WETLANDS DELINEATOR THROUGH THE CORPS OF ENGINEERS

#WDCP93MD0310001A PROFESSIONAL WETLAND SCIENTIST: 000389

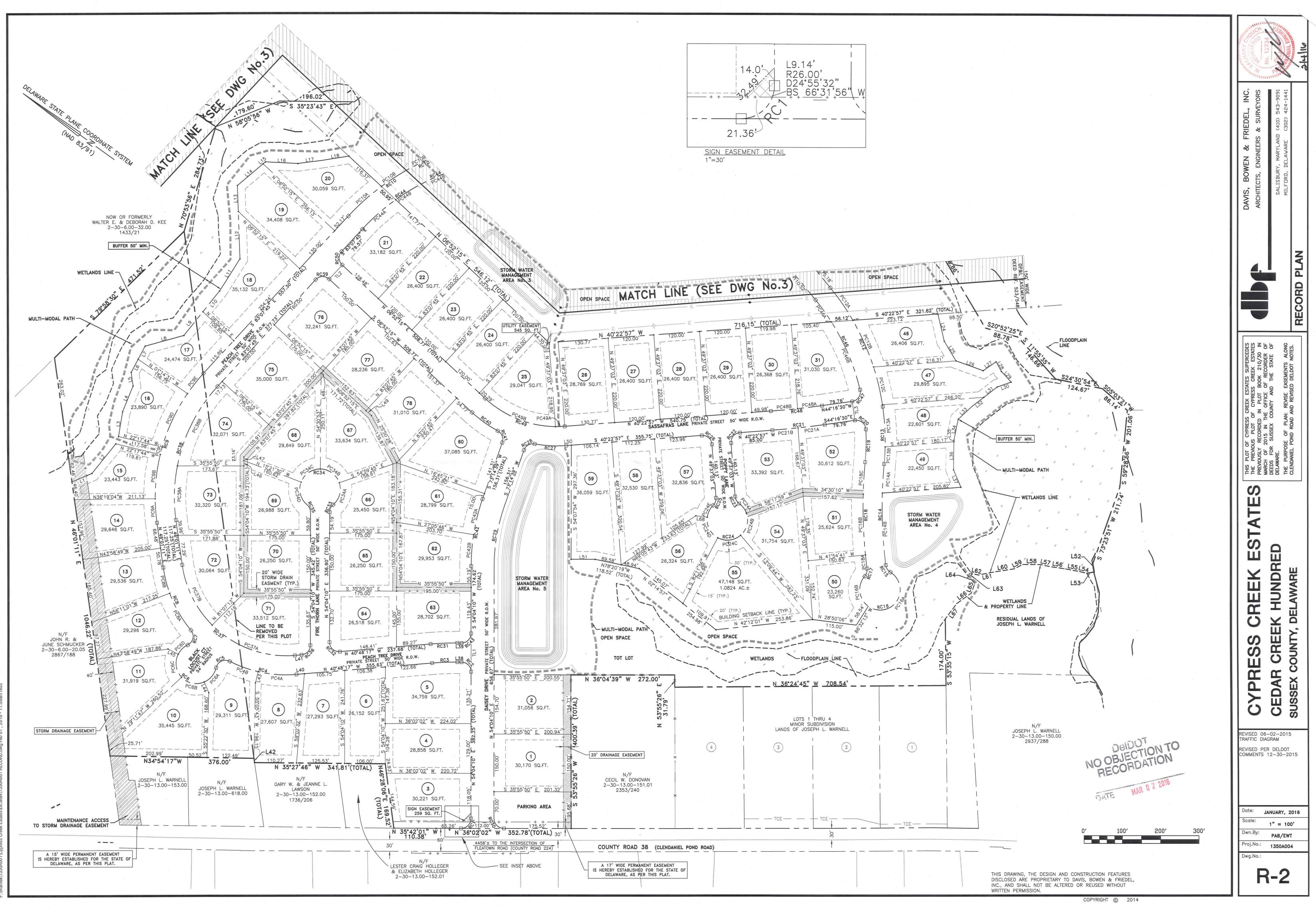
OWNERS CERTIFICATION

SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

TRUSTEES URTA JOSEPH L. WARNELL DATED 8/14/2013; AND CO-AGENTS UNDER DPOA DATED 7/09/2013 (RECORDED IN/DEED BOOK 1210, PAGE 178).

DATED: 2/13/20/8 62/10/2016 DATED:

2005-16



LIN	NE DATA	4
LINE	BEARING	DISTANCE
LINE L1	S 58'34'54" E	56.60'
L2	S 86°52'51" E	99.24'
L3	N 63°35'09" E	65.23'
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 S 51°05'56" E	38.35' 104.99'
L8 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 S 76°15'08" E	67.27'
L14 L15	S 76°15'08" E S 76°15'08" E	87.95' 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°06'29" E	13.44'
L20	S 43°45'56" E	51.09'
L21 L22	S 22°10'46" E S 22°10'46" E	48.12'
L22 L23	S 66°01'21" W	11.88' 49.27'
L23	S 40°33'45" W	71.69'
L25	S 23°16'36" W	59.92'
L26	S 16°21'52" E	75.72'
L27	S 70°37'50" E	41.08'
L28	S 25°13'41" W	28.55'
L29	S 11°33'03" W	37.79'
L30 L31	N 55°27'24" W N 73°32'40" W	38.36' 44.14'
L31	N 73°32'40" W	39.71'
L33	N 78°55'44" W	49.21'
L34	S 65°30'43" W	55.53'
L35	S 54°48'22" W	4.23'
L36	S 54°48'22" W	72.96'
L37	S 31°21'33" W	49.84'
L38 L39	N 35°55'50" W N 35°55'50" W	10.95' 10.95'
L39	N 40°48'17" W	20.84'
L41	N 40°48'17" W	17.58'
L42	N 45°50'56" E	11.06'
L43	S 67°06'48" W	30.00'
L44	S 30°55'50" W	30.00'
L45	N 09°19'25" W S 54°04'10" W	30.00' 13.64'
L46 L47	S 54°04'10" W S 54°04'10" W	9.52'
L48	N 83°07'45" W	8.09'
L49	N 06°52'15" E	19.09'
13		
L50	N 40°22'57" W	13.40'
L51	N 35°52'06" W S 43°59'55" W	62.85' 22.52'
L52 L53	S 43°59'55" W 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°35'02" E	41.59'
L57	S 23°49'43" E	22.88'
L58	S 35°48'57" E S 63°01'29" E	46.89' 24.61'
L59 L60	S 44°51'51" E	59.25'
L60	S 47°06'51" E	35.78'
L62	S 26°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 S 71°39'26" E	26.24' 47.76'
L66 L67	S 71°39'26" E S 89°20'40" E	50.01'
L68	N 28°46'32" W	30.00'

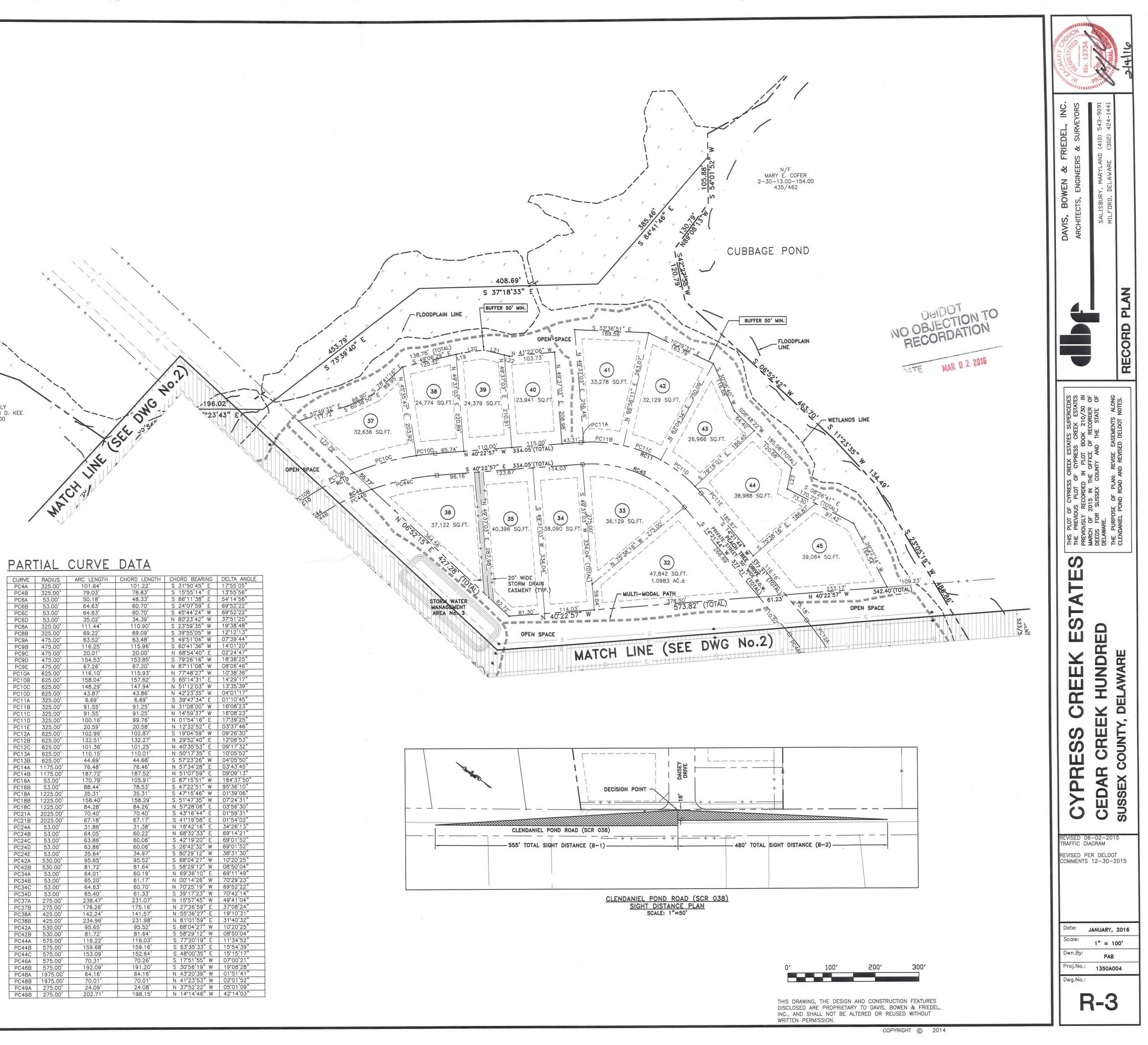
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TI	<u>E-LINE</u>	DATA
TL1	N 54°04'10" E	100.00'
TL2	S 83°07'45" E	50.00'
TL3	N 45°43'30" E	50.00'

RIGHT-OF-WAY CURVE DATA

TIGE	<u> -0</u>	WAI	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	775.00'	65.93'	65.91'	N 38°22'03" W	4°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°05'41" E	31°51'01"
RC9	475.00'	421.57'	407.87'	N 71°26'43" 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"
RC12	625.00'	149.60'	149.24'	S 52°34'56" W	13°42'51"
RC14	1175.00'	264.20'	263.64'	S 52°59'52" 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'	36.93'	N 03°19'59" E	95°12'57"
RC20	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"
RC22 RC23	25.00'	21.87'	21.18'	S 24'33'06" W	50°07'54"
RC23	53.00'	259.25'	67.95'	N 40°22'57" W	280°15'48"
	25.00'	21.87'	21.18'	N 74°41'00" E	50°07'54"
RC25	25.00	39.27'	35.36'	N 04°37'03" E	90'00'00"
RC26 RC27	325.00'	82.73'	82.51'	N 33°05'23" W	14°35'08"
	25.00	35.32'	32.46'	N 66'16'35" W	80'57'32"
RC28		157.29'	156.56'	S 63°39'25" W	19°10'29"
RC29	470.00'	40.89'	36.80'	S 09°01'04" W	90°06'12"
RC30	26.00'	70.18'	70.16'	N 38°22'03" W	4°52'27"
RC31	825.00'		36.83'	N 06°37'57" E	94°52'27"
RC32	25.00'	41.40' 21.87'	21.18'	N 79°08'07" E	50°07'54"
RC33	25.00'		67.95'	N 35*55'50" W	280°15'48"
RC34	53.00'	259.25'	21.18'	S 29°00'13" W	50°07'54"
RC35	25.00'	21.87'	33.82'	N 83°22'03" W	85°07'33"
RC36	25.00'	37.14'	377.98'	N 02°36'27" E	86°49'29"
RC37	275.00'	416.73'	364.94'	N 71°26'43" E	50°51'04"
RC38	425.00'	377.19'		S 38°07'45" E	90°00'00"
RC39	25.00'	39.27'	35.36' 82.51'	S 00°25'19" E	14°35'08"
RC40	325.00'	82.73'		S 32°45'53" W	80°57'32"
RC41	25.00'	35.32'	32.46'	S 63°39'25" W	19°10'29"
RC42	530.00'	177.37'	176.54'	N 80°55'50" W	90°00'00"
RC43	25.00'	39.27'	35.36'	S 61°45'21" E	42°44'49"
RC44	575.00'	428.99'	419.11'	S 13°00'36" E	42 44 49 54°44'41"
RC45	275.00'	262.76'	252.87'		26°08'49"
RC46	575.00'	262.40'	260.13'		95°12'57"
RC47	25.00'	41.55'	36.93'		3°53'33"
RC48	1975.00'	134.18'	134.15'	N 42°19'43" W	
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"

	FAN	IAL	CORVE	
ſ	CURVE	RADIUS	ARC LENGTH	CI
ł	PC4A	325.00'	101.64'	0
ł	PC4B	325.00'	79.03'	
ł	PC4B PC6A	53.00'	50.18'	
ł		53.00'	64.63'	
ł	PC6B	53.00	64.63'	
ł	PC6C	53.00'	64.63	
	PC6D	53.00'	35.02'	
	PC8A	325.00'	111.44'	
ļ	PC8B	325.00'	69.22'	
ļ	PC9A	475.00'	63.52'	
ļ	PC9B	475.00'	116.25'	
l	PC9C	475.00'	20.01'	
	PC9D	475.00'	154.53'	
	PC9E	475.00'	67.26'	
	PC10A	625.00'	116.10'	
[PC10B	625.00 '	158.04'	
1	PC10C	625.00'	148.29'	
1	PC10D	625.00 '	43.87'	
Ì	PC11A	325.00'	6.69'	
Ì	PC11B	325.00'	91.55'	
1	PC11C	325.00'	91.55'	
ł	PC11D	325.00'	100.16'	
	PC11E	325.00'	20.59'	
	PC12A	625.00'	102.99'	
	PC12B	625.00'	132.51'	
	PC12D PC12C	625.00'	101.36'	
	PC12C PC13A	625.00'	110.15'	-
	PC13A PC13B	625.00'	44.69'	-
			76.48'	-
	PC14A	1175.00'		-
	PC14B	1175.00'	187.72'	_
	PC16A	53.00'	170.79'	-
	PC16B	53.00'	88.44'	-
	PC18A	1225.00'	35.31'	-
	PC18B	1225.00'	158.40'	-
	PC18C	1225.00'	84.28'	-
	PC21A	2025.00'	70.40'	
	PC21B	2025.00'	67.18'	<u> </u>
	PC24A	53.00'	31.86'	
	PC24B	53.00'	64.05'	
	PC24C	53.00'	63.86'	-
	PC24D	53.00'	63.86'	
	PC24E	53.00'	35.64'	
	PC42A	530.00'	95.65'	
1	PC42B	530.00'	81.72'	
	PC34A	53.00'	64.01'	
	PC34B	53.00'	65.20'	
	PC34C	53.00'	64.63'	
	PC34D	53.00'	65.40'	
	PC37A	275.00'	238.47'	
	PC37B	275.00'	178.26'	
	PC38A	425.00'	142.24'	
	PC38B	425.00'	234.96'	
	PC42A	530.00'	95.65'	-
	PC42A PC42B	530.00'	81.72'	1
	PC42B PC44A	575.00'	116.22'	1
	PC44A PC44B	575.00'	159.68'	+
		575.00 [°]	153.09'	+
	PC44C	575.00	70.31'	+
	PC46A	575.00 [°]	192.09'	+
	PC46B	575.00'		-
	PC48A	1975.00'	64.16'	-
	PC48B	1975.00'	70.01'	-
	PC49A	275.00'	24.09'	



2005-16

Morris James Wilson Halbrook & Bayard

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 SUSPEX 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 Cubbage 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 Cubbage 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 Usés 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

107 West Market Street | Georgetown, DE 19947-1438 T 302.856.0015 F 302.856.7116 Mailing Address P.O. Box 690 | Georgetown, DE 19947-0690 www.morrisjames.com

2005-16

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.

²Cubbage 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.

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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 Cubbage 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 7991320/

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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

Morris James Wilson Halbrook & Bayardup

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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).

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Exhibit "B"

Cubbage 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).

Morris James Wilson Halbrook & Bayardus

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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

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Page 7

Book 210, Page 30).

- 03/10/2015 SCP&Z final approval of Cubbage 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

GEORGETOWN OFFICE P.O. BOX 554 122 W. MARKET STREET **GEORGETOWN, DE 19947** (302) 856-9568 FAX: (302) 856-4518

WILMINGTON OFFICE **1007 NORTH ORANGE STREET** SUITE 446 WILMINGTON, DE 19801 (302) 463-7537 FAX: (302) 856-4518

RECEIVED

DEC 1 4 2021

SUSSEX COUNTY

PLANNING & ZONING

* DE and DC ** DE and PA *** DE and MD

Reply To <u>√</u> 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)

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.

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

J. EVERETT MOORE JR* DAVID N. RUTT** SCOTT G. WILCOX JAMES P. SHARP*** DORIAN ROWE KLEINSTUBER RYAN T. ADAMS ANNE L. BARNETT

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 & RATT, P.A. Donen Matt

David N. Rut

DNR/lkdp

Paul J. Warnell cc: 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 3/108) 10/17/07 - Final Plan Approval Recorded 11/2/2007 - 5 years from then (2012) 2014 Mark Davidson Enadil mentions Ord. 2288 2014 Substantially underway Email Lawrence (1/1/16) 10/.12015 - 14rs Time Ext. request to 1/1/2017 12/31/15 - additional lotter for time Ext. reg. I Engineering exp -> 1/14/19 1/12/16 -> time ext. approved (valid until 7/1/10) Substantially underway June 30,2016 (Cubbage Pond) Substantially Underway July 6,2016 (Cyress Creek) -Recorded plans 3/13/15 15 14/14/16 249 "Cusbage bonded but nowork 37 Disbage bonded but nowork







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

le month

Date: January 8, 2016

RE: Request for Time Extension - Cypress Creek Estates/Cubbage 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/Cubbage 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.



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 & Cubbage 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 & Cubbage 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,

Jonulle M Cornwell

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 Varlid until July 1,2016



LAWRENCE LANK DIRECTOR OF PLANNING & ZONING (302) 855-7878 T (302) 854-5079 F Ilank@sussexcountyde.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) subdivision 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











