

<b>Preliminary Land Use Service (PLUS)</b> Delaware State Planning Coordination 122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958		
Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.		
Please complete this PLUS application in its entirety. All questions <u>must</u> be answered. If a question is unknown at this time or not applicable, please explain. Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project <u>before</u> the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.		
PLUS Number (to be completed by OSPC):  _____ Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): _____		
1. Project Title/Name: 20 Montchanin		
2. Location ( please be specific): 20 Montchanin Rd. (Rt. 100) at the intersection with Rt. 141		
3. Parcel Identification #: 07-030.10-015	4. County or Local Jurisdiction Name: where project is located: New Castle County	
5. If contiguous to a municipality, are you seeking annexation: No		
6. Owner's Name: Stoltz Real Estate Partners		
Address: 725 Conshohocken State Road		
City: Bala Cynwyd	State: PA	Zip: 19004
Phone: (610) 667-5800	Fax: (610) 664-1976	Email: bcoburn@stoltzusa.com
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): Stoltz Real Estate Partners		
Address: 725 Conshohocken State Road		
City: Bala Cynwyd	State: PA	Zip: 19004
Phone: (610) 667-5800	Fax: (610) 664-1976	Email: bcoburn@stoltzusa.com
8. Project Designer/Engineer: Apex Engineering Incorporated		
Address: 27 WQest Market Street		
City: Newport	State: DE	Zip: 19804
Phone: (302) 994-1900 x-204	Fax: (302) 994-9099	Email: sdavies@apexengineeringinc.com
9. Please Designate a Contact Person, including phone number, for this Project: Stephen G. Davies (302) 994-1900 x-204		

<b>Information Regarding Site:</b>	
10. Type of Review: <input checked="" type="checkbox"/> Rezoning, if not in compliance with certified comprehensive plan <input checked="" type="checkbox"/> Site Plan Review <input type="checkbox"/> Subdivision	
11. Brief Explanation of Project being reviewed: Rezone approximately 2 acres of the 19.5 acres parcel currently zoned Office Regional to construct a 6,000sf retail building.  If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications. N/A	
12. Area of Project (Acres +/-): 2 acres      Number of Residential Units: None      Commercial square footage: 6,000sf	
13. Present Zoning: Office Regional (OR)	14. Proposed Zoning: Commercial Neighborhood (CN)
15. Present Use: undeveloped portion of an office site	16. Proposed Use: commercial/retail
17. Water: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: City of Wilmington  Will a new public well be located on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
18. Wastewater: <input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: New Castle County  Will a new community wastewater system be located on this site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
19. If residential, describe style and market segment you plan to target (Example- Age restricted): Not Applicable	
20. Environmental impacts:  How many forested acres are presently on-site? None      How many forested acres will be removed? None  To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Are the wetlands: <input type="checkbox"/> Tidal      Acres: <input type="checkbox"/> Non-tidal      Acres:  If "Yes", have the wetlands been delineated? <input type="checkbox"/> Yes <input type="checkbox"/> No  Has the Army Corps of Engineers signed off on the delineation? <input type="checkbox"/> Yes <input type="checkbox"/> No  Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? <input type="checkbox"/> Yes <input type="checkbox"/> No    If "Yes", describe the impacts: There are no wetlands on site  How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? 1,200 feet _____	
21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
22. List the proposed method(s) of stormwater management for the site: Bio-retention basin, filter strip	
23. Is open space proposed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If "Yes," how much?      Acres:  What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)?	

24. Are you considering dedicating any land for community use (e.g., police, fire, school)?  Yes  No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 57 new trips  
 What percentage of those trips will be trucks, excluding vans and pick-up trucks? 2%

26. Will the project connect to state maintained roads?  Yes  No

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections. No physical connection possible

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No  
 Are there proposed sidewalks?  Yes  No; bike paths  Yes  No  
 Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No  
 Has this site been evaluated for historic and/or cultural resources?  Yes  No  
 Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No  
 Person to contact to arrange visit: Brad Coburn \_\_\_\_\_ phone number: (703) 625-0009 \_\_\_\_\_

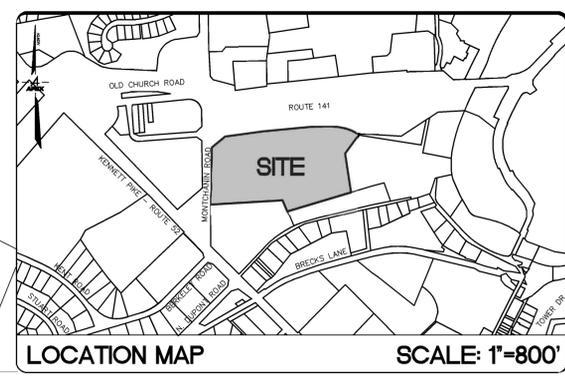
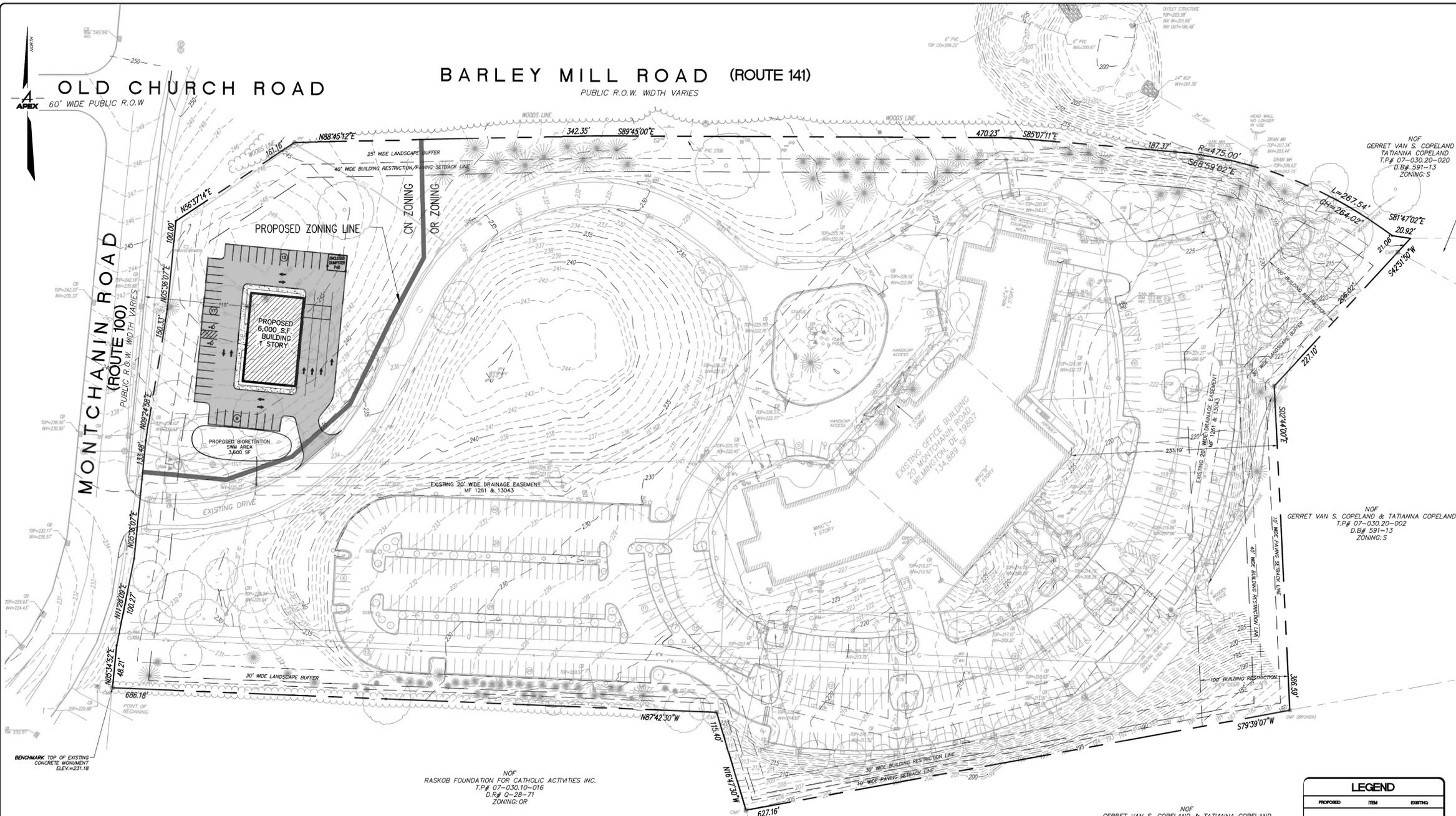
31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

_____ Signature of property owner	5-27-11 Date
_____ Signature of Person completing form (If different than property owner)	5-27-11 Date

Signed application must be received before application is scheduled for PLUS review.

This form should be returned to the Office of State Planning electronically at [Dorothy.morris@state.de.us](mailto:Dorothy.morris@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. **If electronic copy of the plan is not available, contact Dorothy at (302) 739-3090 for further instructions.** A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.



**SITE DATA**

- PURPOSE OF PLAN:** THE PURPOSE OF THIS PLAN IS TO SHOW THE REZONING TO CN OF A PORTION OF THE SITE AND A 6,000 S.F. BUILDING WITH PARKING AND OTHER ASSOCIATED SITE IMPROVEMENTS.
- OWNER/ADDRESS:** 20 MONTCHANIN ASSOCIATES L.L.C. c/o STOLTZ REAL ESTATE PARTNERS 725 CONSHOHOCKEN STATE ROAD BALA CYNWYD, PA 19004
- TAX PARCEL NUMBERS:** 07-030-10-015
- AREA OF PARCELS:** 19.857±
- SOURCE OF TITLE:** 200612200119057
- DEED RESTRICTIONS:** Y-81-156  
A. THE MINIMUM LOT SIZE SHALL BE THE ENTIRE ACREAGE OF THE LAND (LESS ANY PORTION THEREOF WHICH MAY AT ANY TIME BE CONDEMNED OR ACQUIRED BY PUBLIC AUTHORITY).  
B. THE TOTAL GROUND FLOOR AREA OF THE BUILDING SHALL NOT EXCEED 1.7 ACRES.  
C. THE HEIGHT OF THE BUILDING SHALL NOT EXCEED (EXCLUSIVE OF BASEMENT) EITHER TWO STORIES OR FORTY FEET.
- ZONING:** OR -  

BUILDING SETBACKS	OR	CN
LOT AREA	1 AC. MIN.	20,000 SF
LOT WIDTH	100' MIN.	50 FT MIN.
STREET YARD	40' MIN.	15 FT MIN.
SIDE YARD	15' MIN.	NONE
REAR YARD	40' MIN.	20 FT MIN.
*MINIMUM 20 FT SIDE YARD ADJACENT TO RESIDENTIAL USES OR DISTRICTS		
<b>PAVING SETBACKS</b>		
STREET YARD	40' MIN.	40' MIN.
SIDE YARD	10' MIN.	10' MIN.
- AREA BREAKDOWN:**

	EXISTING	PROPOSED
BUILDING:	1.418 ACRES (7.1%)	1.556 ACRES (7.8%)
PAVING:	5.812 ACRES (29.3%)	6.326 ACRES (31.9%)
OPEN SPACE:	12.627 ACRES (63.6%)	11.975 ACRES (60.3%)
TOTAL:	19.857 ACRES (100.0%)	19.857 ACRES (100.0%)
- GROSS FLOOR AREA:**

EXISTING:	134,889 S.F.
PROPOSED:	6,000 S.F.
TOTAL:	140,889 S.F.
- PARKING REQUIRED:**

BANK:	4.0 P.S./1000 S.F. x 6,000 S.F. =	24 P.S.
GEN. OFFICE:	3.5 P.S./1000 S.F. x 103,600 S.F. =	363 P.S.
MED. OFFICE:	4.5 P.S./1000 S.F. x 31,289 S.F. =	141 P.S.
TOTAL:		528 P.S.
- PARKING PROVIDED:** 528 P.S.
- WATER SUPPLY:** CITY OF WILMINGTON - WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE STATE DIVISION OF PUBLIC HEALTH.
- SEWER:** NEW CASTLE COUNTY SANITARY SEWER - SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, HIS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.  
SEWER FLOW INCREASE = 6,000 S.F. x 0.1 G.P.D. = 600 G.P.D. (A.D.F.)  
600 G.P.D. x 4 = 2,400 G.P.D. (P.F.)
- CRITICAL NATURAL AREA:** THIS SITE IS NOT WITHIN A CRITICAL NATURAL AREA.
- FLOODPLAIN:** THIS SITE IS NOT WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO FEMA FIRM MAP #10003C0065J DATED 1/17/2007.
- DEBRIS DISPOSAL:** NO DEBRIS SHALL BE BURIED ON THE SITE.
- SUPERSEDES NOTE:** THIS PLAN SUPERSEDES, IN PART, THE RECORD MINOR LAND DEVELOPMENT PLAN DATED 9/17/1996, LAST REVISED 11/20/96 AND RECORDED ON 12/10/96 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM NO. 13043.
- WETLANDS:** NO WETLANDS EXIST ON THIS SITE. SEE REPORT BY LANDMARK/JCM DATED 3/18/11.
- DATUM:** NGVD 29 (TOP OF CONCRETE MONUMENT AT SOUTHWEST CORNER OF PROPERTY ALONG MONTCHANIN ROAD ELEV. 231.18) SEE PLAN
- WATER RESOURCE PROTECTION AREA:** THE SITE IS NOT WITHIN A WATER RESOURCE PROTECTION AREA ACCORDING TO THE MAP FOR CITY OF NEWARK, CITY OF WILMINGTON, NEW CASTLE COUNTY, DELAWARE, DATED 1993, REVISED FEBRUARY 2006.
- N.C.C. DRAINAGE CODE:** DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE.
- PAVEMENT TYPE:** ASPHALT PAVEMENT AND UPRIGHT 6" CURB WILL BE USED FOR THIS PROJECT.

**LEGEND**

PROPOSED	ITEM	EXISTING
⊠	UTILITY POLE	⊠
⊠	UTILITY BOX	⊠
⊠	SEWER EASEMENT	⊠
⊠	BOLLARD	⊠
⊠	FIRE HYDRANT	⊠
⊠	WATER VALVE	⊠
⊠	WATER METER	⊠
⊠	SERVICE HOLE	⊠
⊠	IRON PIPE	⊠
⊠	CONCRETE MONUMENT FOUND	⊠
⊠	TRAFFIC SIGNAL	⊠
⊠	PULL BOX	⊠
⊠	CABLE BOX	⊠
⊠	PARKING METER	⊠
⊠	GAS METER	⊠
⊠	GAS VALVE	⊠
⊠	ELECTRIC BOX	⊠
⊠	CONTOUR	⊠
⊠	SPOT ELEVATION	⊠
⊠	TEST PIT-COR. BORING	⊠
⊠	LIGHT POLE	⊠
⊠	TRAFFIC SIGNAL	⊠
⊠	NUMBER OF PARKING SPACES	⊠
⊠	DRAINAGE PIPES / SIZE & TYPE	⊠
⊠	FLARED END SECTION (FES)	⊠
⊠	6" UPRIGHT CURB	⊠
⊠	DEPRESSED CURB (SPREAD TECHNOLOGY)	⊠
⊠	BUILDING	⊠
⊠	MECHANICAL SURFACED ROAD, DRIVE OR PARKING	⊠
⊠	PROPOSED CONCRETE DRIVEWAY / PAVEMENT	⊠
⊠	CATCH BASIN	⊠
⊠	DRAINAGE H.A.	⊠
⊠	SANITARY H.A.	⊠
⊠	TO BE REMOVED	⊠
⊠	DRAINAGE PAVEMENT	⊠
⊠	PROPERTY LINE	⊠
⊠	CONTOUR LINE	⊠
⊠	POOF TRACE	⊠
⊠	METAL FENCE	⊠
⊠	LIMIT OF DISTURBANCE	⊠

NOF  
RASKOB FOUNDATION FOR CATHOLIC ACTIVITIES INC.  
T.P.# 07-030-10-016  
D.R.# 0-28-71  
ZONING: OR

NOF  
GERRET VAN S. COPELAND & TATIANNIA COPELAND  
T.P.# 07-030-10-017  
D.B.# 591-13  
ZONING: S

**NEW CASTLE COUNTY APPROVALS**

APPROVED _____	DATE _____	BY _____	GENERAL MANAGER FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.
APPROVED _____	DATE _____	BY _____	GENERAL MANAGER FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

**CERTIFICATION OF PLAN ACCURACY**

I, STEPHEN G. DAVIES, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

STEPHEN G. DAVIES  
REGISTRATION# 7690

DATE \_\_\_\_\_

**CERTIFICATION OF OWNERSHIP**

I, \_\_\_\_\_ HEREBY CERTIFY THAT 20 MONTCHANIN ASSOCIATES L.L.C. IS THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT ITS DIRECTION AND THAT IT AUTHORIZES THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

DATE \_\_\_\_\_

**APPLICATION #**  
**EXPLORATORY SKETCH**  
**MINOR LAND DEVELOPMENT PLAN**  
**20 MONTCHANIN ROAD**  
CHRISTIANA HUNDRED NEW CASTLE COUNTY DELAWARE

**APEX ENGINEERING INCORPORATED**  
27 W. MARKET STREET NEWPORT, DELAWARE 19804  
(302) 984-1900 (302) 984-9999 FAX

SCALE 1" = 60'	DATE 1/25/11	SHEET NO. 1
SURVEYED BY FDS/JEC	DRAWN BY FDS/JEC	OF 1
MICROFILM NO.	CHECKED BY SGD	REVISION
PROJECT / FILE NUMBER 96186023PLOTEXP1		

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May 20, 2011

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JAMES M. VOGL, JR.

OF COUNSEL  
BRUCE M. STARGATT

## VIA HAND DELIVERY

Mr. David M. Culver, General Manager  
New Castle County Department of Land Use  
87 Reads Way  
New Castle, DE 19720

Re: Amendment to Declaration of Restrictions for  
20 Montchanin Road, Greenville, Delaware (the "Property")

Dear Dave:

I represent 20 Montchanin Associates, LLC ("Applicant") which is the owner of the above-referenced property. The Property is the subject of a plan which was filed with the Land Use Department on March 24, 2011 proposing the addition of a 6,000 square foot building and the rezoning of two (2) acres of the Property to "CN" to accommodate the new building.

The Property is subject to deed restrictions (copies of which are enclosed) placing certain limits on the use and development of the Property. Specifically, the restrictions recorded at Deed Book K, Volume 81, Page 219, dated September 9, 1968, and Deed Book Y, Volume 81, Page 155 dated January 17, 1969 (the "Restrictions"), limit the use of the Property to "an office building and accessory uses". Over the past several months, the Applicant has been working with the community and has negotiated an agreement with Citizens for Responsible Growth in New Castle County, Inc. that will accommodate this request. In that regard, I enclose the proposed form of Amended and Restated Restrictions, the specific terms of which have been negotiated with CRG, a form of Resolution authorizing the amendment of same, copies of the Restrictions and a check for the fee of \$3,500 for this request.

Please proceed to process this request. In doing so (and to the extent possible), I would ask that this Application be placed on the same Planning Board agenda as the rezoning application.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

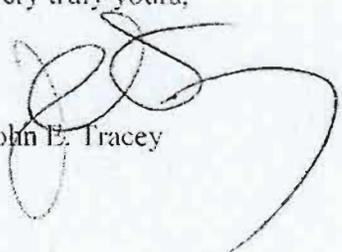
Mr. David M. Culver

May 20, 2011

Page 2

I trust this information is sufficient for your needs, however, should you need additional information, please do not hesitate to contact me at (302) 571-6740.

Very truly yours,

  
John E. Tracey

cc: ✓ Ms. Betsy J. Gardner (via hand delivery)  
✓ Honorable Robert S. Weiner (via hand delivery)  
Honorable Paul G. Clark (via hand delivery)  
Stephen Davies, P.E. (via first class mail)  
Mr. Keith Stoltz (via first class mail)

Ent	Name	Acct No	Invoice	Date	Reference	Amount
08015	20 Montchanin Associates, LL	1334-00	050611 08015	5/16/2011	Deed restriction App fee	3,500.00

Vendor:	New Castle County	MO0598		Date	Check No.	Check Amount
	NEWCOU PO Box 15359	Wilmington	DE	198865359	5/16/2011	100001624
						3,500.00

Retain this statement for your records

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND-NOT A WHITE BACKGROUND

20 Montchanin Associates, LLC  
 c/o Stoltz Management of DE, Inc  
 725 Conshohocken State Road  
 Bala Cynwyd, PA 19004

Firsttrust Bank  
 555 City Line Avenue  
 Bala Cynwyd, PA 19004

Date	Check No.	Check Amount
5/16/2011	100001624	3,500.00

Three Thousand Five Hundred AND 00/100 Dollars

Pay to the order of

New Castle County

PO Box 15359  
 Wilmington, DE 19886-5359

VOID IF NOT CASHED WITHIN DAYS WITHIN DATE OF ISSUE

AUTHORIZED SIGNATURE

THIS DOCUMENT CONTAINS A WATERMARK THAT IS VISIBLE WHEN HELD UP TO THE LIGHT.

⑈ 100001624 ⑆ ⑆ 031975984 ⑆ 701910598 ⑆

Tax Parcel No. 07-030.10-015  
Return to: Richard P. Beck, Esquire  
Morris James LLP  
500 Delaware Avenue, Suite 1500  
P.O. Box 2306  
Wilmington DE 19899-2306

**AMENDED AND RESTATED**

**DECLARATION OF RESTRICTIONS**

**FOR 20 MONTCHANIN ROAD**

This Amended and Restated Declaration of Restrictions (this "Declaration") is made under Seal as of the \_\_\_\_ day of February, 2011, by 20 Montchanin Associates, LLC,, a Delaware limited liability company, as "Declarant"), for the benefit of Citizens For Responsible Growth in New Castle County, Inc., a non-profit Delaware corporation ("CRG").

**BACKGROUND**

A. Declarant is the owner and Developer of certain parcels of land situate in Christiana Hundred, New Castle County, State of Delaware, consisting of approximately 19.857 acres of land commonly known as the former Columbia Gas Campus located at the intersection of Montchanin Road (Route 100) and Barley Mill Road (Route 141), and being New Castle County Tax Parcel No. 07-030.10-015 (the "Property"), as more particularly shown on the reduced plans appended hereto as Exhibit A (the "Compromise Plan").

B. CRG is a non-profit membership organization formed for the purpose of supporting responsible development in New Castle County, and aligned with various other civic, community and non-profit membership organizations including, but not limited to, The Kennett Pike Association, Inc. and Delaware Greenways, Inc., both non-profit corporations dedicated to preserving and enhancing Delaware's natural, scenic, historic, cultural and recreational resources.

C. Declarant initially sought a deed restriction amendment for the Property and land use approval for the construction of a three story office building that was of concern to CRG. Declarant and CRG subsequently negotiated a Compromise Plan in accordance with which Declarant has applied to subdivide and rezone approximately two (2) acres of the Property and obtain land development plan approvals for a new building on the Property, as more particularly shown on the Compromise Plan, which require an amendment to the existing deed restrictions. To induce CRG's support of such rezoning, subdivision, deed restriction amendment and land development plan approvals and in appreciation of such support, Declarant has made and has offered these voluntary assurances as to the manner in which the Property would be improved and used if the requested rezoning, subdivision, deed restriction amendment and land development approvals are granted, obtained, approved and not overturned on appeal.

D. This Amended and Restated Declaration of Restrictions is intended to replace that certain Agreement Declaring Restrictions by Dorcas Van Dyke Farquhar and Donald R. Farquhar and Columbia Gas System Service Corporation, dated September 1, 1968 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, at Deed Book K, Volume 81, Page 219 (the "Original Declaration") and supplemented by that certain Agreement Declaring Restrictions by Dorcas Van Dyke Farquhar and Donald R. Farquhar and Columbia Gas System Service Corporation, dated January 17, 1969 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, at Deed Book Y, Volume 81, Page 155 (the "Supplemental Declaration"). The Original Declaration and Supplemental Declaration are hereby collectively referred to as the "Prior Declaration". Upon recordation of this Amended and Restated Declaration of Restrictions, the Prior Declaration shall be void and no longer in effect, except that if this Amended and Restated Declaration of Restrictions does not become effective as set forth in Paragraph 8 hereof or is extinguished as provided in Paragraph 9 hereof, the Prior Declaration shall

revive ab initio with the same effect as if never amended.

## COVENANTS

Now, therefore, know all men by these presents, that Declarant hereby covenants and declares under Seal for itself, its successors, assigns, grantees and all others claiming an interest in the Property under or through Declarant (all of whom or which shall be bound hereby the same as Declarant), that upon recordation of this Declaration, and unless and until such Declaration shall after recordation be rescinded (if ever) on appeal as hereinafter provided, Declarant holds and stands seized of the Property under and subject to the following covenants and agreements, which shall be covenants running with the land and which shall be binding upon Declarant, its respective successors, assigns, grantees and all other subsequent owners or holders of any right, title to or interest in all or any portion of the Property, for the general benefit of the adjoining community and for the specific benefit of The Kennett Pike Association, Inc. ("KPA") and Delaware Greenways, Inc. ("Greenways"), which two organizations shall alone have the sole right to enforce this Declaration.

1. Building Height. The height of the 6,000 square foot building proposed along Montchanin Road ("New Building") shall not be greater than twenty five (25) feet, plus rooftop mechanical equipment not exceeding an additional ten (10) feet in height, which shall be fully screened to the extent visible from Montchanin Road. The height of any future expansion, in whole or in part, of the present 138,193 square foot building located at 20 Montchanin Road (which for this purpose shall be deemed to include the existing cooling tower) (the "Existing Building") shall not materially exceed the present height of that portion of the Existing Building being expanded. The height of any future additional building constructed on the Property (other than the New Building), if separate from the Existing Building, or any replacement in whole or in part of the Existing Building, shall exceed neither two stories nor forty (40) feet (exclusive of basement) plus rooftop mechanical equipment not exceeding an additional ten (10) feet in height which shall be screened to the extent

visible from Montchanin Road. As used herein, and throughout this Declaration, the term "height" shall have the meaning as set forth in Section 40.33.300 of the New Castle County Unified Development Code ("UDC") in effect as of the time of execution of this Declaration. Declarant shall not make grade changes to the Property which have the effect of increasing the present average grade of the Property at the site(s) of the proposed new construction and thereby materially increasing the height of the building(s) to be constructed at such site(s); provided, however, that grade changes needed to fill in low areas on the Property to achieve proper grade transitions in accordance with sound engineering principles and in compliance with applicable law, and grade changes necessary to provide for proper drainage and to comply with applicable stormwater regulations will not be construed so as to violate the provisions hereof pertaining to prohibitive grade changes. Decorative spires, cupolas, architectural chimneys and flag poles shall not be subject to the height limitations of this Declaration.

2. Building Density. The New Building shall not exceed 6,000 square feet of GFA, exclusive of the physical area constituting any drive through space. The total building footprint of all buildings at 20 Montchanin Road, including the New Building (exclusive of the physical area constituting any drive through space), the Existing Building and any future expansion of the Existing Building, or future additional building, shall not exceed 1.792 acres. Based on a footprint for the Existing Building of 1.418 acres, any future expansion of the Existing Building and/or future additional building, together with the New Building, shall not have a total building footprint in the aggregate in excess of 0.374 acres. By way of illustration only, for the elimination of doubt, if the New Building has a footprint of 6,000 square feet (0.13774 acres), then the combined footprint of any future additional building would not exceed 10,283.92 square feet (0.23626 acres) (with due allowance for minor good faith construction variations occurring in the field). As used herein and throughout this Declaration, the term "gross floor area or GFA" shall have the meaning as set forth in

Section 40.33.300 of the UDC in effect at the time of the execution of this Declaration, which pursuant to the provisions of Section 40.05.050K of the UDC excludes the square footage of parking structures; however, nothing herein shall be construed as permitting the construction of garages the footprint of which is not included in the overall 1.792 acre limitation set forth above for all buildings.

3. Building Set-Back. The New Building shall not be closer than 90 feet to the right of way line for the Montchanin Road right-of-way, as shown on the attached Exhibit "B" and shall be accessed by the existing entrance off of Montchanin Road. The attached Compromise Plan establishes a "Building Limitation Line" so that no expansion and/or replacement of the Existing Building or any part thereof, or construction of any new building shall be closer to Brecks Lane or to the adjoining property owned by the Raskob Foundation, than the Building Limitation Line. No expansion or replacement of the existing cooling tower shall be closer to or more visible from Brecks Lane. In addition, any expansion of the Existing Building or construction of an additional building, other than the New Building, shall occur only within the area identified as "Buildable Area" on the attached Exhibit "B".

4. Rezoning. The two acre parcel created abutting Montchanin Road and Route 141 which serves as the site of the New Building, as shown on the Compromise Plan, and which has been rezoned from Office Regional, "OR", to Commercial Neighborhood, "CN" to accommodate the New Building; shall nevertheless not be used for any purpose other than offices or uses accessory thereto, unless all mortgages or other financing liens against the Property at the time of such rezoning and at the time of recordation of this Declaration are and shall remain subordinate to this Declaration. The New Building, proposed as a drive through facility, shall not be used for a drive through restaurant, gas station or convenience store, tavern, bar not incidental to a restaurant, or other potentially nuisance uses such as tattoo parlors and arcades. Except for this rezoning of said site for the New Building, the Property, other than the newly rezoned parcel, may not be used for any purpose other

than for offices and uses accessory thereto. There shall be no further rezoning of any portion of the Property, nor shall any other portions of the Property be used for non-office purposes, except for those uses accessory to office uses (however, this prohibition shall not preclude the New Building from being used for the non-office purposes specified above).

5. Exterior Appearance. All sides of the New Building, and of any future additional building, shall be fully finished and compatible in style and materials with the Existing Building.

6. Landscaping. Existing berms and landscaping along Montchanin Road and outside of the "Buildable Area" shown on Exhibit "B" shall be preserved insofar as possible.

7. Access. The New Building, the Existing Building and any future expansion thereof or additional building shall be served solely by the existing entrance off of Montchanin Road.

8. Stormwater. All new construction or expansion of the Existing Building shall meet the stormwater/drainage requirements of the UDC, so as not to increase run-off onto the homes along Brecks Lane or onto the adjoining property owned by the Raskob Foundation.

9. Effectiveness. This Declaration is executed, attested, sealed, acknowledged and delivered into escrow, to be recorded concurrently with recordation of the approved Final Record Compromise Plan and approval of this Amended and Restated Declaration of Restrictions. In the event that the Compromise Plan is not recorded, then this Declaration shall not be recorded; provided, however, that no use shall be made of the two (2) acre site for the New Building based on any rezoning approval for such site without prior recordation of this Declaration.

10. Context. This Declaration is intended, so long as it remains in force and effect, to stand on its own as a replacement for the Prior Declaration. However, it derives from and implements a more comprehensive agreement dated as of December 31, 2010 between CRG on one hand and Declarant, Barley Mill, LLC, Greenville Center Associates, LLC and 3704 Kennett, LLC on the other hand (the "Agreement"). So long as the Agreement remains in force and effect, which shall be a

minimum of five (5) and maximum of ten (10) years from the date of this Declaration, as defined in the Agreement, this Declaration shall be construed in accordance with and not contrary to the Agreement. Following expiration of the Agreement, this Declaration shall stand on its own if not previously extinguished as provided below.

11. Extinguishment. The Agreement relates not only to 20 Montchanin Road, defined in this Declaration as the Property, but also to three other properties known as (i) Barley Mill Plaza at the intersection of Routes 141 and 48, (ii) Greenville Center at the intersection of Route 52 and Buck Road, and (iii) the former Kirkwood Fitness property on Route 52 across from Greenville Center at 3704 Kennett Pike; all four of which properties (the "Properties") are located in Christiana Hundred, New Castle County, Delaware, and all of which have certain common ownership and/or are under common management. A rezoning, subdivision and land development approvals are being sought for Barley Mill Plaza; a parking variance and land development plan approval is being sought for Greenville Center; and a parking variance is being sought for 3704 Kennett Pike; all as part of a global compromise relating to the Properties announced in the Fall of 2010 by Senator Christopher Coons. In the event that all approvals required for all compromises plans for all of the aforesaid Properties is not obtained, or the Agreement is terminated, then Declarant has the right to extinguish this Declaration by restoring the status quo ante as to all of the Properties and recording a Consent to Extinguishment signed by CRG. Extinguishing this Declaration shall mean that the Declarant, and the Property, shall be subject to the Prior Declaration; that Declarant is free to pursue any and all land use approvals for the Property that are otherwise available under the law; and that CRG is free to oppose and/or support such pursuit of other approvals.

12. Enforcement. Following its recordation and so long as it has not been extinguished, the terms of this Declaration may be enforced solely by The Kennett Pike Association, Inc. and/or Delaware Greenways, Inc. Notwithstanding any language contained herein to the contrary, neither The Kennett Pike Association, Inc. nor Delaware Greenways, Inc. nor any party claiming any rights

as a third party beneficiary, shall have the right, obligation or authority to prohibit the termination and extinguishment of this Declaration. Declarant accepts jurisdiction over all matters arising under this Declaration by the Delaware Courts sitting in New Castle County, Delaware, and agrees that there is no adequate remedy for breach hereof and that any action hereunder may be properly brought in the Delaware Chancery Court. The provisions hereof shall be governed by the laws of the State of Delaware applicable to sealed instruments. The provisions hereof shall be fairly construed in accordance with their plain intent without limitation or frustration by technical rules of construction, special presumptions or policy considerations governing ambiguities or deed restrictions.

13. Interpretation. Paragraph headings are for convenience only and shall not affect the meaning of the language herein. The singular shall include the plural, and tenses and genders shall be interchangeable, as the context reasonably warrants. The word “including” and its variants shall be by way of illustration and not by way of limitation; and unless the context otherwise indicates, the word “or” means “and/or.” This Declaration shall not be amended except by a writing duly executed, sealed and acknowledged by Declarant, The Kennett Pike Association, Inc. and Delaware Greenways, Inc., and properly recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware (or any successor office or agency). The termination and extinguishment of the Declaration shall not be considered an amendment or modification of this Declaration for which the approval of The Kennett Pike Association, Inc. and Delaware Greenways, Inc. is required.

14. Severability. In the event that any provision of this Declaration is deemed to be illegal or unenforceable, the balance of this Declaration shall remain in full force and effect; and at the request of Declarant or CRG, they shall endeavor to negotiate in good faith a commercially reasonable equivalent replacement provision that shall be memorialized by recording an amendment hereto. If they are unable to agree on such a provision, then either Declarant or CRG may apply to

the Court of Chancery for reformation of this Declaration to compensate for the illegal or unenforceable provision.

*{Signatures appear on the following page}*

IN WITNESS WHEREOF, Declarant has caused this Declaration to be duly executed as of the day and year first above written.

WITNESS:

20 MONTCHANIN ASSOCIATES, LLC

\_\_\_\_\_  
Witness

By: \_\_\_\_\_ (Seal)  
Keith D. Stoltz  
Authorized Member

STATE OF DELAWARE )  
: SS.  
NEW CASTLE COUNTY )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Keith D. Stoltz, Authorized Member of 20 Montchanin Associates, LLC., a Delaware limited liability company, party to this Indenture, personally known to me to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said company, that the signature of the Authorized Member thereto is in his own proper handwriting and the seal affixed is the common and official seal of said company, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the voting members of said company.

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

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

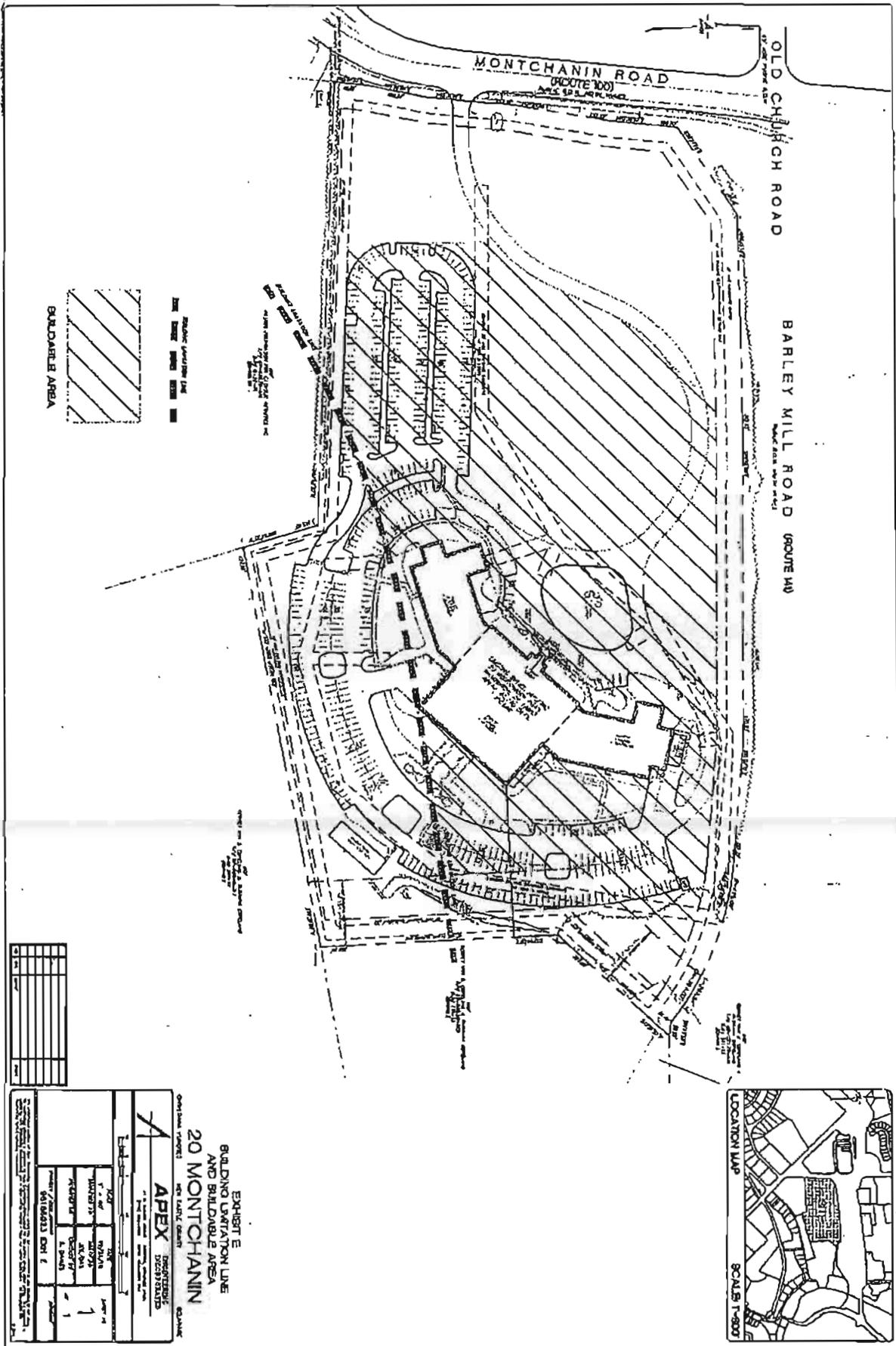
EXHIBIT "A"  
COMPROMISE PLAN

6



**EXHIBIT "B"**  
**BUILDING LIMITATION LINE**  
**AND**  
**BUILDABLE AREA**





13

NY-81 HZ 155

AGREEMENT DECLARING RESTRICTIONS

THIS AGREEMENT by and between Dorcas Van Dyke Farquhar (owner) and Donald K. Farquhar, her husband, parties of the first part and Columbia Gas System Service Corporation, a Delaware corporation (Columbia) party of the second part;

WITNESSETH:

WHEREAS owner holds fee simple title to a certain parcel of land located in Christiana Hundred, New Castle County, Delaware consisting of 35.895 acres more or less hereinafter referred to as "the land", a legal description of which is attached hereto and made a part hereof as Exhibit A);

WHEREAS the land is the subject matter of a certain option agreement under which owner is the optionor and Columbia is the beneficial optionee, and under which Columbia has an option to purchase the land provided, among other conditions, that there shall be a final rezoning of the land to a zoning classification suitable for Columbia's proposed use of the land;

WHEREAS Columbia presently intends to use the land for the foreseeable future as the executive headquarters office building of Columbia Gas System with open landscaping;

WHEREAS Columbia wishes, so far as is practicable, to maintain the area immediately surrounding the land as primarily low density residential land;

WHEREAS owner and Columbia desire voluntarily to place upon the land the restrictions hereinafter contained to be covenants running with the land, upon the effective date hereof as the same is hereinafter defined.

NY-81 156

NOW, THEREFORE, in consideration of one (\$1.00) dollar and for other good and valuable consideration in hand paid by parties of the first part to party of the second part, receipt of which is hereby acknowledged, and for the mutual covenants and undertakings herein expressed, it is agreed as follows:

1. These restrictions shall become effective upon their filing in the Office of the Recorder of Deeds of New Castle County. These restrictions shall remain in effect as long as the land is zoned D-2 or its equivalent as the same may be constituted from time to time in the Zoning Code of New Castle County and as long as there shall be no additional restraint imposed upon such D-2 use except as provided herein.

2. The terms herein as referred to in these restrictions shall be the same as defined in the Code as of the effective date of these restrictions.

3. Notwithstanding any provision in the Code, no use shall be permitted on the land except an office building and accessory uses thereto; provided, however, nothing contained herein shall prohibit temporary buildings and temporary storage of materials during construction and vending machines inside the enclosed building for the convenience of the occupants thereof.

4. In addition to other restrictions and limitations imposed by the Code, the following restrictions shall be applied to the land:

- (a) The minimum lot size shall be the entire acreage of the land (less any portion thereof which may at any time be condemned or acquired by public authority);
- (b) The total ground floor area of the building shall not exceed 1.7 acres.
- (c) The height of the building shall not exceed (exclusive of basement) either two stories or forty feet.

REV-81 157

5. These restrictions shall be covenants running with the land. They are for the benefit of New Castle County, The Kennett Pike Association, Inc., a Delaware Corporation, and the lands and interests of Eloutherian Mills-Kagley Foundation, Inc., a Delaware Corporation, adjacent to the lands to which these restrictions apply. Such restrictions may be enforced by any one of the foregoing. No modification, revision or amendment of any of the foregoing restrictions may be made except with the approval of the beneficial owner of the land and the New Castle County Council after public notice and public hearing; provided, however, nothing contained herein shall be construed to require the approval of any other party for such modification, revision or amendment. Nothing contained herein shall preclude a rezoning of the land to another zoning classification in accordance with the then prevailing procedures for such rezoning, and in the event of any such rezoning these restrictions shall become void and of no further force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 17<sup>th</sup> day of January, 1969.

Signed, Sealed and Delivered  
in the presence of

*Richard W. ...*  
*at to ...*

*Dorcas Van Dyke Parquhar* (SEAL)  
Dorcas Van Dyke Parquhar

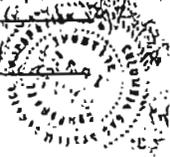
*Donald K. Parquhar* (SEAL)  
Donald K. Parquhar

*Richard C. ...*

COLUMBIA GAS SYSTEM SERVICE CORPORATION

By: *Richard C. ...*  
President

Attest: *...*  
Secretary



McY-81 114 158

STATE OF DELAWARE :  
COUNTY OF NEW CASTLE : 88.1

BE IT REMEMBERED, that on this 15<sup>th</sup> day of January, A.D. 1969,  
personally came before me, the Subscriber, a Notary Public for the State  
and County aforesaid, DONALD K. FARQUHAR and DORCAS VAN DYKE  
FARQUHAR, his wife, parties to the foregoing instrument of writing,  
personally known to me to be such, and acknowledged this instrument  
to be their deed.

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

*E. Norman [Signature]*  
Notary Public



STATE OF NEW YORK :  
COUNTY OF NEW YORK : SS. 1

NY-81 159

BE IT REMEMBERED, that on this 17th day of January, A.D. 1969, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, John W. Partridge, President of COLUMBIA GAS SYSTEM SERVICE CORPORATION, a corporation existing under the laws of the state of Delaware, party to this instrument, known to me personally to be such, and acknowledged this instrument to be the act and deed of said corporation, that the signature of the President thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said corporation, and that his act of sealing, executing, acknowledging and delivering said instrument was 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.

*Eric A. Sporer*  
Notary Public

ERIC A. SPORER  
Notary Public, State of New York  
No. 31664888  
Qualified in New York County  
Renounced before March 22, 1978





rec-81 111160

rec-81 111224

VAN DEMARK & LYNCH, INC.

Project No. 10206

CONSULTING ENGINEERS - PLANNERS - SURVEYORS

Phone 638-2353

Plan No. 10954-9

310 WEST 13TH STREET  
WILMINGTON, DELAWARE 19101

Code 303

JANUARY 16, 1964

Description of Parcel 2, of property of Dorcas Van Dyke Farquhar known as "Rokeby", New Barley Mill Road and Montchanin Road, Christiana Hundred, New Castle County, Delaware...

BEGINNING at an iron pipe set on the southeasterly side of Montchanin (or Center) Road (at 70 feet wide), at a corner for lands now or formerly of William F. Raskob; thence from said point of Beginning and along the said southeasterly side of Montchanin Road, North 05°-34'-52" East, 856.93 feet to an iron pipe; thence diagonally crossing the corner formed by the intersection of said Montchanin (or Center) Road and the New Barley Mill Road, North 55°-22'-00" East, 174.00 feet to an iron pipe set in the southwesterly right of way line of said New Barley Mill Road, distant southwesterly 60 feet from the center line thereof measured at right angles thereto; thence continuing along the said south-<sup>westerly</sup> right of way line of the New Barley Mill Road the three following described courses and distances: (1) South 36°-37'-56" East, parallel with said center line and distant southwesterly 60 feet therefrom measured at right angles thereto 1050.00 feet to an iron pipe; (2) South 03°-22'-04" West, (measured at right angles to said center line) 40.00 feet to an iron pipe distant <sup>south</sup> westerly 100 feet therefrom measured at right angles thereto; and (3) South 36°-37'-56" East, parallel with said center line and distant southwesterly 100 feet therefrom measured at right angles thereto, 817.00 feet to an iron pipe, a corner for lands now or formerly of Alice DuPont Buck; thence thereby the two following described courses and distances: (1) South 14°-30'-40" East, 120.58 feet to an iron pipe; and (2) South 17°-00'-00" West, 288.00 feet to an iron pipe set in the northeasterly corner of Parcel No. 1; thence along the northeasterly, northwesterly and southwesterly lines of said Parcel No. 1 the three following described

Exhibit A

Cont'd next page

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REV-81 PAGE 225

Proj. 10806

-2-

January 16, 1961

courses and distances: (1) North  $35^{\circ}-43'-55''$  West, 596.99 feet to a 24 inch Tulip Poplar tree; (2) South  $42^{\circ}-51'-30''$  West, 216.02 feet to an iron pipe; and (3) South  $02^{\circ}-44'-00''$  East, 366.59 feet to an iron pipe set in the northwesterly line of lands now or formerly of Jesse Bail du Pont; thence thereby, South  $79^{\circ}-36'-06''$  West, 627.16 feet to a point in the northeasterly line of said lands now or formerly of William P. Raskob; thence thereby the two following described courses and distances: (1) North  $16^{\circ}-47'-30''$  West, 115.40 feet to a concrete monument; and (2) North  $87^{\circ}-42'-30''$  West, 691.19 feet to said iron pipe set in the southeasterly right of way line of Montchanin (or Center) Road and to the point and place of BEGINNING. CONTAINING within said described acres and bounds, 35.595 acres of land be the same more or less...

CJL/bj

Checked by: \_\_\_\_\_

REC'D FOR RECORDS *24* Jan 17 1961. TO 2 SURV. & RECORDS

AGREEMENT DECLARING RESTRICTIONS

REC-81 11/21/219

THIS AGREEMENT by and between Dorcas Van Dyke Parquhar (owner) and Donald K. Parquhar, her husband, parties of the first part and Columbia Gas System Service Corporation, a Delaware corporation (Columbia) party of the second part;

WITNESSETH:

WHEREAS owner holds fee simple title to a certain parcel of land located in Christians Hundred, New Castle County, Delaware consisting of 35.595 acres more or less (hereinafter referred to as "the Land", a legal description of which is attached hereto and made a part hereof as Exhibit A);

WHEREAS the land is the subject matter of a certain option agreement under which owner is the optionor and Columbia is the beneficial optionee, and under which Columbia has an option to purchase the land provided, among other conditions, that there shall be a final rezoning of the land to a zoning classification suitable for Columbia's proposed use of the land;

WHEREAS Columbia's proposed use of the land, if rezoned, contemplates an executive office building with open landscaping for the use of the corporate executive headquarters of Columbia;

WHEREAS owner and Columbia desire voluntarily to place upon the land the restrictions hereinafter contained to be covenants running with the land, upon the effective date hereof as the same is hereinafter defined.

NOW, THEREFORE, in consideration of one (\$1.00) dollar and for other good and valuable consideration in hand paid by parties of the first part to party of the second part, receipt of which is hereby acknowledged, and for the mutual covenants and undertakings herein expressed, it is agreed as follows:

1. The date upon which these restrictions shall become effective shall be the date upon which final action has been taken

111A-81 70220

by the New Castle County Council and the County Executive (provided such final action shall have been taken on or before January 16, 1969) adopting Ordinance 3-25-68-6-a rezoning the land to the O-2 classification under the Zoning Code of New Castle County (hereinafter referred to as "the Code"). These restrictions shall remain in effect as long as the land is zoned O-2 or its equivalent as the same may be constituted from time to time in the Zoning Code of New Castle County and as long as there shall be no additional restraint imposed upon such O-2 use except as provided herein.

2. The terms hereinafter referred to in these restrictions shall be the same as defined in the Code as of the effective date of these restrictions.

3. Notwithstanding any provision in the Code, no use shall be permitted on the land except an office building and accessory uses thereto; provided, however, nothing contained herein shall prohibit temporary buildings and temporary storage of materials during construction and vending machines inside the enclosed building for the convenience of the occupants thereof.

4. In addition to other restrictions and limitations imposed by the Code, the following restrictions shall be applied to the land:

- (a) The minimum lot size shall be the entire acreage of the land (less any portion thereof which may at any time be condemned or acquired by public authority);
- (b) The total ground floor area of the building shall not exceed 2.7 acres;
- (c) The height of the building shall not exceed (exclusive of basement) either two stories or forty feet.

5. These restrictions shall be covenants running with the land. They are for the benefit of New Castle County and may be enforced by New Castle County. No modification, revision or amendment of any of the foregoing restrictions may be made except with the approval of the beneficial owner of the land and

44K-81 114221

the New Castle County Council after public notice and public hearing; provided, however, nothing contained herein shall be construed to require the approval of any other party for such modification, revision or amendment. Nothing contained herein shall preclude a rezoning of the land to another zoning classification in accordance with the then prevailing procedures for such rezoning, and in the event of any such rezoning these restrictions shall become void and of no further force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 7<sup>th</sup> day of September 1968.

Signed, Sealed & Delivered  
in the Presence of:

[Signature]  
a. b. c.

[Signature]  
Dorcas Van Dyke Farquhar

[Signature]  
Donald K. Farquhar

COLUMBIA GAS SYSTEM SERVICE  
CORPORATION

[Signature]

By [Signature]  
President

Attest: [Signature]  
Secretary



rec K-81 not 222

STATE OF DELAWARE :  
COUNTY OF NEW CASTLE :

BE IT REMEMBERED, that on this 9th day of September, A. D. 1958, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, DONALD K. PARQUAR and DORCAS VAN DYKE PARQUAR, his wife, parties to the foregoing instrument of writing, personally known to me to be such, and acknowledged this instrument to be their deed.

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

*E. Yoman Vealey*  
Notary Public





ack-81 rec224

VAN DEMARCK & LYNCH, INC.

Project No. 10806 CONSULTING ENGINEERS, PLANNERS, SURVEYORS  
315 WEST 15TH STREET  
WILMINGTON, DELAWARE 19101

Phone 654-3333  
Code 302

Plan No. 10934-B

January 16, 1968

Description of Parcel 2, of property of Dorcas Van Dyke Farquhar known as "Rokeby", New Barley Mill Road and Montchanin Road, Christians Hundred, New Castle County, Delaware...

BEGINNING at an iron pipe set on the southeasterly side of

Montchanin (or Center) Road (at 70 foot wide), at a corner for lands now or formerly of William F. Raskob; thence from said point of Beginning and along the said southeasterly side of Montchanin Road, North 05°-34'-52" East, 856.93 feet to an iron pipe; thence diagonally crossing the corner formed by the intersection of said Montchanin (or Center) Road and the New Barley Mill Road, North 55°-22'-00" East, 174.00 feet to an iron pipe set in the southwesterly right of way line of said New Barley Mill Road, distant southwesterly 60 feet from the center line thereof measured at right angles thereto; thence continuing along the said southwesterly right of way line of the New Barley Mill Road the three following described courses and distances: (1) South 86°-37'-56" East, parallel with said center line and distant southwesterly 60 feet therefrom measured at right angles thereto 1053.00 feet to an iron pipe; (2) South 03°-22'-04" West, (measured at right angles to said center line) 40.00 feet to an iron pipe distant southwesterly 100 feet therefrom measured at right angles thereto; and (3) South 86°-37'-56" East, parallel with said center line and distant southwesterly 100 feet therefrom measured at right angles thereto, 817.00 feet to an iron pipe, a corner for lands now or formerly of Alice DuPont Buck; thence thereby the two following described courses and distances: (1) South 14°-30'-40" East, 180.58 feet to an iron pipe; and (2) South 17°-00'-00" West, 288.00 feet to an iron pipe set in the northeasterly corner of Parcel No. 1; thence along the northeasterly, northwesterly and southwesterly lines of said Parcel No. 1 the three following described

Exhibit A

Cont'd next page

rec-81 plat 225

Proj. 10806

-2-

January 16, 1968

courses and distances: (1) North 75°-43'-55" West, 596.99 feet to a 4 inch Tulip Poplar tree; (2) South 42°-51'-50" West, 716.02 feet to an iron pipe; and (3) South 02°-44'-00" East, 366.59 feet to an iron pipe set in the northwesterly line of lands now or formerly of Jesse Hall du Pont; thence thereby, South 79°-36'-06" West, 627.16 feet to a point in the northeasterly line of said lands now or formerly of William P. Raskob; thence thereby the two following described courses and distances: (1) North 16°-47'-30" West, 115.40 feet to a concrete monument; and (2) North 87°-42'-30" West, 691.19 feet to said iron pipe set in the southeasterly right of way line of Montchanin (or Center) Road and to the point and place of BEGINNING. CONTAINING within said described metes and bounds, 35.595 acres of land be the same more or less...

CJL/bg

Checked by: \_\_\_\_\_

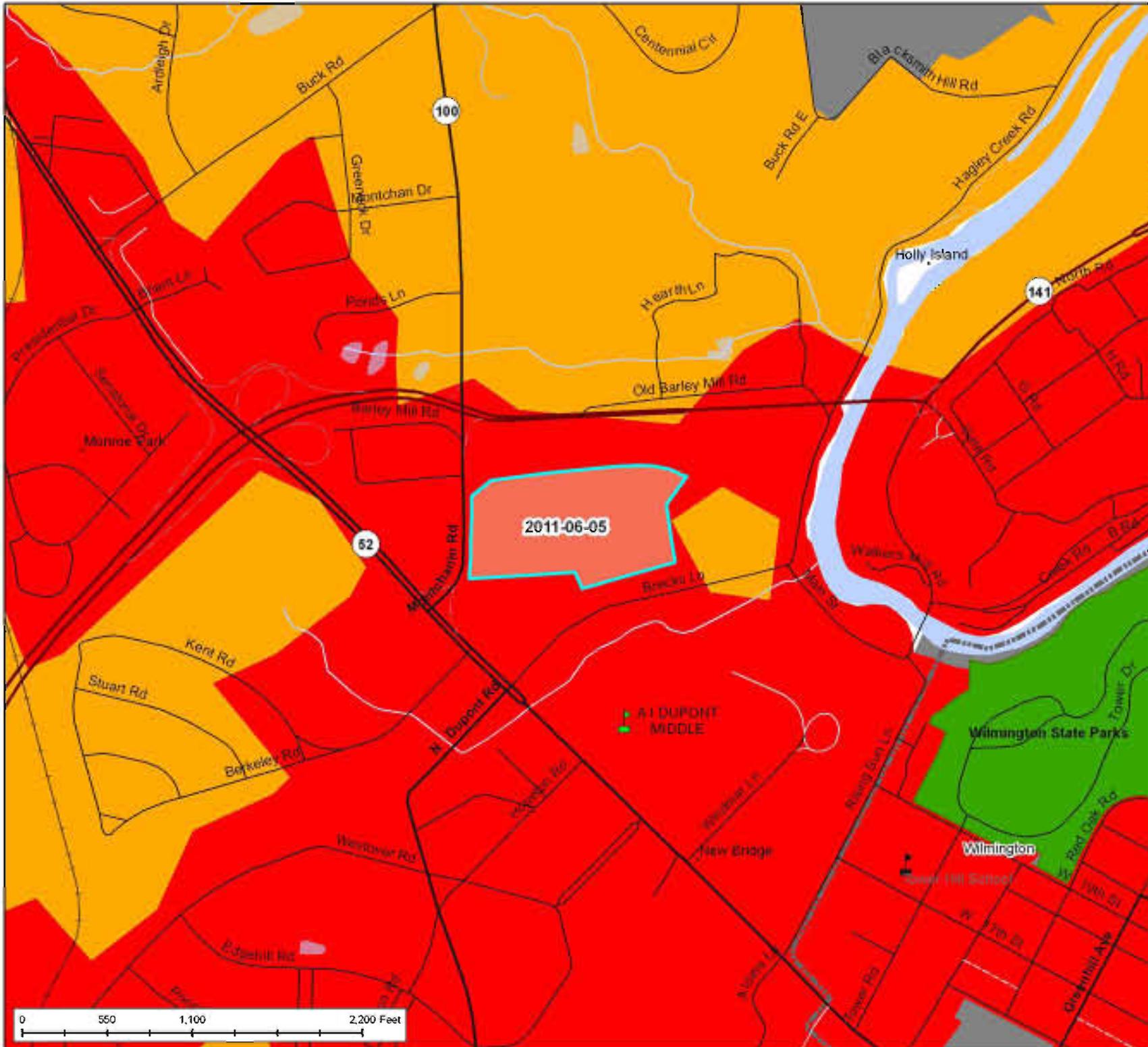
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REC'D FOR RECORD *Sept 20 1968* DOUGAN, S. RECORDER

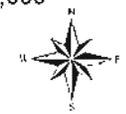
# Preliminary Land Use Service (PLUS)

20 Montchanin  
2011-06-05

- PLUS Project Areas
- Municipalities
- State Parks
- Forestry Easements
- Purchased Dev. Rights
- Ag District
- 2010 State Strategies**
  - Level 1
  - Level 2
  - Level 3
  - Level 4
- Out of Play
- Nat. Res. & Rec. Priorities
- Working Forests
- Highest Value Agriculture



1:10,000

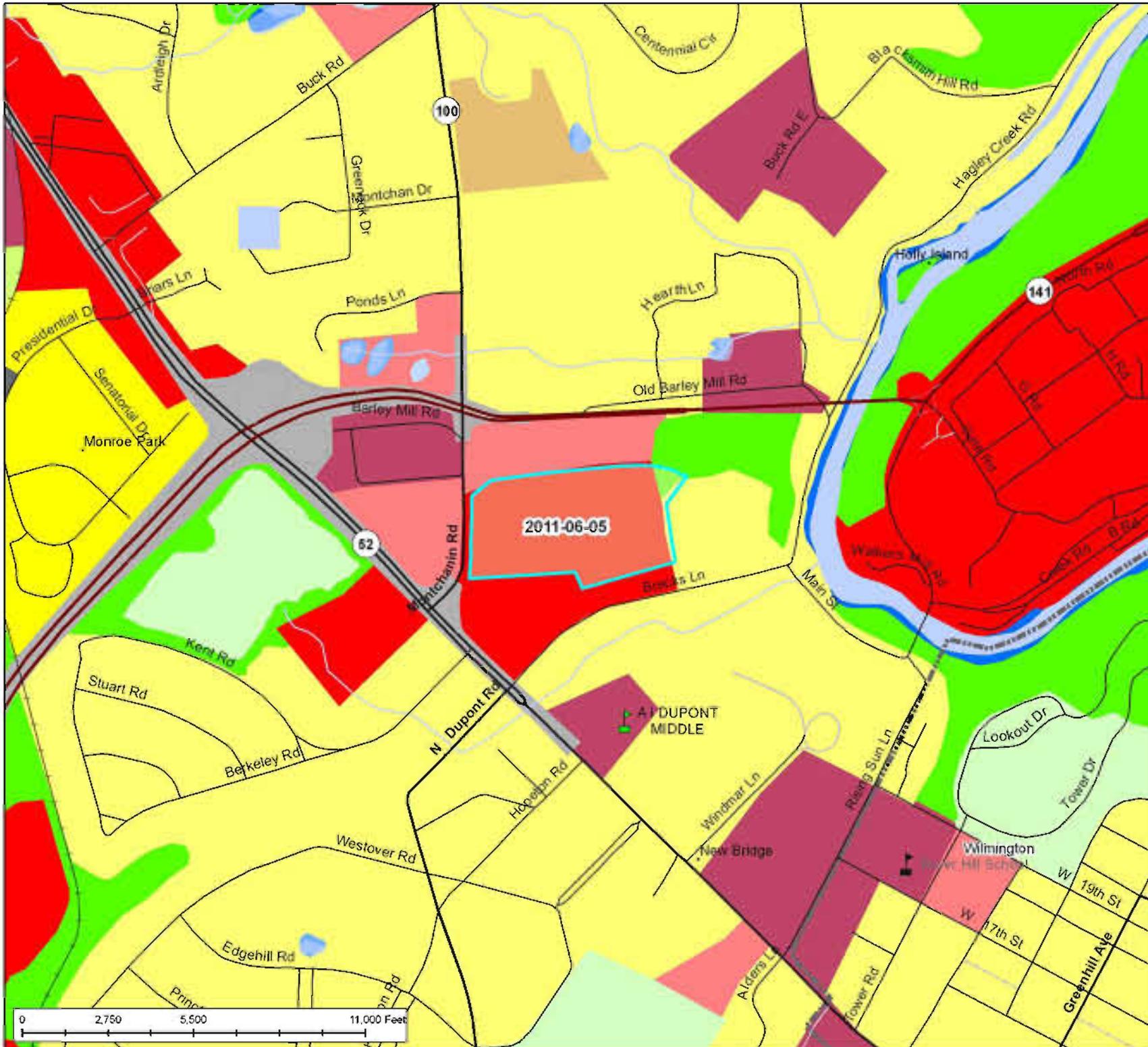


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# Preliminary Land Use Service (PLUS)

20 Montchanin  
2011-06-05

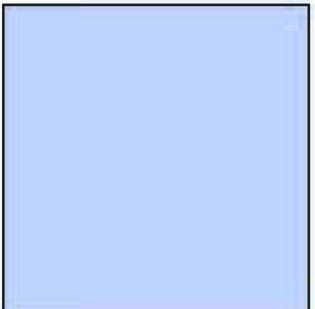


- Project Areas
- Municipalities
- Land Use/Land Cover**
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Trans./Comm./Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- CAFO
- Rangeland
- Orchards/Nurseries
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Reservoirs and Impoundments
- Marinas/Ports/Docks
- Open Water
- Emergent Wetlands
- Forested Wetlands
- Scrub/Shrub Wetlands
- Sandy Areas
- Extraction/Transition

1:10,000



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# Preliminary Land Use Service (PLUS)

20 Montchanin  
2011-06-05

-  Project Areas
-  Municipalities

2007 Aerial Photography:  
Provided by Delaware  
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and Budget



2011-06-05



1:3,086



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