

REC-81 155

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 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 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.

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 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 1.7 acres.

(c) The height of the building shall not exceed (exclusive of basement) either two stories or forty feet.

REC-81 PAGE 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 tenements of Elautherian Mills-Hagley 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 17th day of January, 1969.

Signed, Sealed and Delivered
in the presence of

William W. [Signature]
Attest

Dorcas Van Dyke Farquhar (SEAL)
Dorcas Van Dyke Farquhar

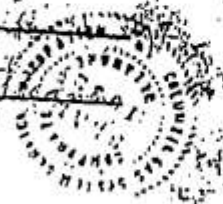
Donald K. Farquhar (SEAL)
Donald K. Farquhar

Richard C. [Signature]

COLUMBIA GAS SYSTEM SERVICE
CORPORATION

BY [Signature]
President

Attest: [Signature]
Secretary



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 1.7 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

ech-81 rec 221

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 9th day of September 1968.

Signed, Sealed & Delivered
in the Presence of:

Donald K. Farquhar
as to both

Dorcas Van Dyke Farquhar SEAL
Dorcas Van Dyke Farquhar

Donald K. Farquhar SEAL
Donald K. Farquhar

COLUMBIA GAS SYSTEM SERVICE
CORPORATION

Richard G. ...

By John ...
President

Attest: ...
Secretary

