



APEX ENGINEERING INCORPORATED

27 WEST MARKET STREET
(302) 994-1900

NEWPORT, DE 19804
(302) 994-9099 FAX

www.apexengineeringinc.com

March 24, 2011

Apex Project #96186.023

New Castle County
Department of Land Use
87 Reads Way
New Castle, DE 19720

Re: 20 Montchanin Road

Dear Planner:

We hereby submit an application for the property located at 20 Montchanin Road. You may recall that the an application had previously been submitted to the Department (Application No. 2008-0273(S)), however, that Application expired. This new Application is being submitted as part of the Compromise Agreement executed by the Stoltz organization and Citizens for Responsible Growth of New Castle County, Inc. dated as of December 31, 2010. Per that Agreement, certain changes have been made to the plan to address the concerns of the community while at the same time accommodating the needs of the Applicant to develop the property. This Application also includes a Deed Restriction Amendment.

Highlights of the Agreement between Stoltz and CRG pertaining to this Application include:

- Reduction of square footage of new building proposed from 36,500 square feet to 6,000 square feet
- Propose to rezone approximately 2 acres of the approximately 19.9 acre site as shown on the plan, from "OR" to "CN" to accommodate the proposed 6,000 square foot building.
- Total building footprint not to exceed 1.792 acres.
- Height of proposed 6,000 square foot building not to exceed 25 feet, plus rooftop mechanical equipment not to exceed 10 additional feet.

New Castle County
March 24, 2011

20 Montchanin Road
Exploratory Plan Submission

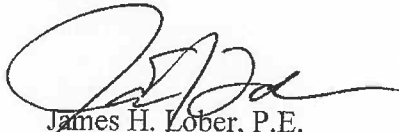
- Height of any future expansion to existing 138,193 square foot building shall not materially exceed the present height of that portion of the building being expanded.
- Height of any future building not to exceed either two stories or 40 feet, exclusive of basement, plus rooftop mechanical equipment not exceeding an additional 10 feet in height.
- New 6,000 square foot building to be set back 90 feet from right of way line for Montchanin Road.
- No new access points to the property off of Montchanin Road.

In addition to the plan, the following documents are also enclosed:

1. A completed New Castle County Department of Land Use Application for Plan Review;
2. 20 Montchanin Assoc. LLC check #100001553 for \$1,500.00 for the Planning and Engineering Land Development Review and Processing Fee;
3. Fifteen (15) Folded paper prints of the Exploratory Sketch Plan;
4. One (1) copy of the deed restrictions on the property;
5. One (1) copy of the wetlands report;
6. One (1) copy of the previous recorded land development plan;
7. One (1) copy of the site capacity calculations; and,
8. One (1) copy of the Engineering Section Exploratory Plan Checklist.

Thank you for your assistance with this project. If you have any questions or need anything further please let me know.

Regards,



James H. Lober, P.E.
Project Engineer

Enclosures

Cc: Keith Stoltz Stoltz Management
Pamela Scott Saul Ewing

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NEW CASTLE COUNTY DEPARTMENT OF LAND USE
SLD-1 Form
(Application for Plan Review)

Level of Plan Submission	Plan Type	For New Castle County Use Only
<input checked="" type="checkbox"/> Pre-App. / Exp. Sketch Plan	<input type="checkbox"/> Major Land Development Plan	Date Received _____
<input type="checkbox"/> Preliminary Plan	<input checked="" type="checkbox"/> Minor Land Development Plan	Application Number _____
<input type="checkbox"/> Check Print	<input type="checkbox"/> Resubdivision	Assigned Planner _____
<input type="checkbox"/> Record Plan	<input type="checkbox"/> Site	Assigned Engineer _____
<input type="checkbox"/> Revised Plan	<input type="checkbox"/> Utility	
	<input type="checkbox"/> Parking	
<input type="checkbox"/> Engineering Section Submission Only	<input type="checkbox"/> Sanitary Sewer	
	<input type="checkbox"/> Grading/E&S/Stormwater	
	<input type="checkbox"/> Floodplain	
	<input type="checkbox"/> General Permit	

- 1) Name of Plan 20 Montchanin ROAD
 Former Plan Name or Alias n/a
 Tax Parcel Number(s) 07-030.10-015
- 2) Name of Legal Property Owner(s) 20 Montchanin Associates L.L.C. c/o Stoltz Real Estate Partners
 Address 725 Conshohocken State Road
 City Bala Cynwyd State PA Zip 19004
 Phone Number (610) 667-5800 Fax (610) 664-1976
 Contact Person Steve Lewis
- 3) Name of Applicant(s) 20 Montchanin Associates L.L.C. c/o Stoltz Real Estate Partners
 Address 725 Conshohocken State Road
 City Bala Cynwyd State PA Zip 19004
 Phone Number (610) 667-5800 Fax (610) 664-1976
 Contact Person Steve Lewis
- 4) Firm Responsible for Plan Prep. Apex Engineering Incorporated
 Address 27 West Market Street
 City Newport State Delaware Zip 19804
 Phone Number (302) 994-1900 Fax (302) 994-9099
 Contact Person Stephen G. Davies
 E-Mail sdavies@apexengineeringinc.com
- 5) Existing Zoning OR Proposed Zoning (if applicable) n/a

6) Also submitted are the following applicable fees as indicated: (See Appendix 2 for Details)

Exploratory Sketch Plan Submission	Amount
<input checked="" type="checkbox"/> Planning Land Development &/or Rezoning Review and Processing Fee	\$750.00
<input checked="" type="checkbox"/> Engineering Review and Processing Fee	\$750.00
Preliminary Plan Submission	
<input type="checkbox"/> Planning Land Development &/or Rezoning Review and Processing Fee	
<input type="checkbox"/> Engineering Review and Processing Fee	
Record Plan Submission	
<input type="checkbox"/> Planning Check Print Filing Fee	
<input type="checkbox"/> Planning Land Development &/or Rezoning Review and Processing Fee	
<input type="checkbox"/> Engineering Review and Processing Fee	
<input type="checkbox"/> Recorder of Deeds Fee	
<input type="checkbox"/> Delaware Document Account Fee	

7) Other Items: (See Appendix 1 for Details)

8) It is required that the applicant notify the Federal Aviation Administration on their Form 7460-1, available at the New Castle County Airport Manager's Office if proposed construction, or crane operation will exceed 200 feet above ground level, or will penetrate a slope of 100:1 outward and upward from the nearest point of the nearest runway for a distance of 20,000 feet. For construction, or crane operations in closer proximity to any other airport or heliport in New Castle County, the obstruction/height criteria may vary. Clarification should be made by contacting the New Castle County Airport Manager's Office.

I certify that, to the best of my knowledge, all information listed above and all information and statements contained in any documents or plans submitted with this application are true, correct and complete and the legal owner of the land agrees with the filing of this application. I understand that any person who falsifies any information on any application made with the Department shall be subject to criminal proceedings under Title 11 of the Delaware Code.

I certify that I will post an application notice for this Major / Minor Land Development Plan according to New Castle County Code Chapter 40 (UDC) 31.320(F)(2) within 10 days of submission of this completed SLD application.

MANDATORY PLAN SUBMISSION DATA	
<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Non-Residential
Site Acreage: <u>19.857</u>	
Disturbed Acreage: <u>1</u>	
Number of Lots: <u>1</u>	
Est. Number of Pumps: <u>0</u>	
Est. Sanitary Sewer Flow: <u>600 gpd</u>	
Proposed GFA: <u>6,000 s.f.</u>	
Building Footprint: <u>6,000 s.f.</u>	
Sewer: <u>New Castle County</u>	
Water: <u>City of Wilmington</u>	

Signature of Legal Property Owner

3/22/11
Date

20 Montchanin Associates L.L.C. - Steve Lewis
(Print Legal Owner Name)

Authorized Person

Signature of Legal Property Owner

Date

(Print Legal Owner Name)

Signature of Legal Property Owner

Date

(Print Legal Owner Name)

Signature of Applicant

Date

Same as Owner

(Print Applicant Name)

Signature of Engineer / Surveyor

3-24-11
Date

Stephen G. Davies

(Print Engineer / Surveyor Name)

Ent	Name	Acct No	Invoice	Date	Reference	Amount
08015	20 Montchanin Associates, LL	1334-00	07-030.10-015	3/22/2011	Engineering Rev & Proc Fee	1,500.00

Vendor: **New Castle County** MO0598 Date **3/22/2011** Check No. **100001553** Check Amount **1,500.00**
 NEWCOU PO Box 15359 Wilmington DE 198865359

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 **3/22/2011** Check No. **100001553** Check Amount **1,500.00**

One 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

Details on back
 Security Features Included

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

⑈ 100001553 ⑈ ⑆031975984⑆ 701910598 ⑈

REV-81 JUN 1988

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.

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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 Elizabeth Mills-Hogley 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

[Handwritten signature]

[Handwritten signature] (SEAL)
Dorcas Van Dyke Farquhar

[Handwritten signature] (SEAL)
Donald K. Farquhar

[Handwritten signature]

COLUMBIA GAS SYSTEM SERVICE CORPORATION
By: *[Handwritten signature]*
President

Attest: *[Handwritten signature]*
Secretary



NOT-81 No. 158

STATE OF DELAWARE :
COUNTY OF NEW CASTLE : SS.:

BE IT REMEMBERED, that on this 15th 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 DORGAS 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
Notary Public

A circular notary seal for E. Norman, Notary Public. The seal contains the text "NOTARY PUBLIC" at the top and "E. NORMAN" in the center. The seal is partially obscured by the signature.

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

NY-81 INC 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.

John W. Partridge
Notary Public

STATE & COUNTY
Notary Public, to be in the State
of New York
Qualified in New York County
Expiration March 25, 1970



REC-81 160



REC-81 224

VAN DENMARK & LYNCH, INC.

Project No. 10208
Plan No. 10934-B

CONSULTING ENGINEERS - PLANNERS - SURVEYORS
311 WEST 12TH STREET
WILMINGTON, DELAWARE 19801

Phone 638-3213
Code 302

January 16, 1968

Description of Parcel 2, of property of Dorcas Van Dyke Farquhar known as "Rokoby", New Barley Hill 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. Reskob; 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 Hill 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 Hill 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 Hill 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 1050.00 feet to an iron pipe; (2) South 05°-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 16°-50'-40" East, 180.58 feet to an iron pipe; and (2) South 17°-00'-00" West, 258.00 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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Proj. 10806

-2-

January 16, 1968

courses and distances: (1) North $75^{\circ}-43'-55''$ West, 595.99 feet to a 24 inch Tulip Poplar tree; (2) South $42^{\circ}-51'-50''$ 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 Jessé Ball 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 F. 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 metes and bounds, 35.595 acres of land be the same more or less...

CJL/bg

Checked by: _____

REC'D FOR RECORD ²⁴ January 17, 1968 LEO I. BURAN, L. RECORDER

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AGREEMENT DECLARING RESTRICTIONS

THIS AGREEMENT by and between Dorcas Van Dyke Farquhar (former) 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 35.395 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.

