

AGREEMENT DECLARING RESTRICTIONS

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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 35.595 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

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

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. [Signature]

By John [Signature]
President

Attest: [Signature]
Secretary



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

BE IT REMEMBERED, that on this 9th day of September,
A. D. 1968, 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. Armon Veale
Notary Public





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VAN DEMARK & LYNCH, INC.

Project No. 10806 CONSULTING ENGINEERS - PLANNERS - SURVEYORS
Plan No. 10934-B 311 WEST 12TH STREET
WILMINGTON, DELAWARE 19801

Phone 636-3353
Code 302

January 16, 1968
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...

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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-^{westerly} 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 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 ^{south} westerly 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

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courses and distances: (1) North 75°-43'-55" West, 596.99 feet to a 24 inch Tulip Poplar tree; (2) South 42°-51'-50" West, 216.02 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 Jesso Ball 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 F. 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: _____

REC'D FOR RECORD *JH* Sept 30 1968 LEO J. DUGAN, R. RECORDER