EXHIBIT #1
COUNCIL MEETING OF 11/23/2009

DRAFT

MEMORANDUM OF AGREEMENT

between the

KENT COUNTY LEVY COURT

and

CITY OF DOVER

THIS MEMORANDUM OF AGREEMENT made this _____ day of _____, A.D. 20___ by and between Kent County Levy Court (hereafter referred to as "the County") and the City of Dover, (hereafter referred to as "the City") shall supersede in part the Agreement of record in Deed Volume Y, Book 43, Page 281 recorded on September 8, 1987 by rendering Items 3 (Site Plan Review/Approvals) and 4 (Construction Inspections/Permits/Fees) of said agreement null and void in favor of the following considerations and stipulations:

WHEREAS the County and the City entered into an agreement on the 18th day of November, A.D., 1986 regarding a tract of land comprising 115.741 acres on Horsepond Road, hereafter called "Kent County AeroPark", which is of record on Deed Volume Y, Book 43, Page 281; and,

WHEREAS the terms of that agreement have been adhered to the County and the City as the Kent County AeroPark has been developed; and,

WHEREAS with the passage of time, the operation of certain portions of the Agreement that govern the Site Planning and Building Construction processes within the Kent County AeroPark have become inefficient, cumbersome and confusing for both governmental officials charged with administering the provisions of the Agreement, and private investors who have to work within the confines of an atypical and unusual regulatory process set forth in the Agreement; and,

WHEREAS the County and the City seek to eliminate said inefficiencies and confusion, and seek to promote further investment in and development of the Kent County AeroPark; and,

WHEREAS the County and the City recognize the mutual importance of the Kent County AeroPark in sustaining and promoting economic vitality in Kent County.

NOW, THERFORE, the County and the City to hereby agree that:

1) Zoning

The Kent County AeroPark is zoned IPM (Industrial Park and Manufacturing) and AEOZ (Airport Environs Overlay Zone) within the City. The property shall remain in this zoning classification and will not be rezoned unless the County and City mutually agree to rezoning the property.

2) Site Plan Review and Approvals

The City shall be responsible for review and approval of site development plans within the Kent County AeroPark. The City shall notify the County of any site development plan applications within the Kent County AeroPark and invite County staff to participate in the site plan review process including meeting attendance and written commentary through the City of Dover Development Advisory Committee on such applications.

3) Construction Permits, Inspections, and Fees

Construction within the Kent County AeroPark shall be subject to City of Dover Building Codes, Construction Inspections, and Building Permit Fees. Fifty percent (50%) of all Building Construction Permit Fees collected by the City for construction within the Kent County AeroPark will be given to the County. However, this provision shall not extend to fees collected by the City for Plumbing, Mechanical and/or Sprinkler System permits.

IN WITNESS WHEROF, the parties have hereunto set their hands and seals the date aforesaid.

Witness:

Kent County Levy Court, a Political Subdivision of the State of Delaware.

_____

By: _____

Clerk of the Peace

Levy Court President

Witness:

City of Dover, a Municipal Corporation of the State of Delaware.

_____

By: _____

City Clerk

Council President