PETITION TO AMEND ZONING DISTRICT
Before the Dover City Council
September 11, 2006

Applicants/Owners	Daniel M. Durham 4242 West Denneys Road Dover, DE 19904
Location:	South side of West Denneys Road just west of Maple Glen Drive.
Property Addresses	4242 West Denneys Road
Tax Parcel ID #:	ED-05-066.00-01-04.00-000 (part of)
Size:	6.9596 ± acres (proposed rezoning)
Present Zoning:	C-1A (Limited Commercial Zone) and R-15 (One Family Residential)
Proposed Zoning:	RM-1 (Medium Density Residence Zone) permitting: single family detached dwellings, one-family lot line dwellings, duplex dwellings, multiplex dwellings, townhouses, rooming houses accommodating not more than five roomers.
Present Use:	Commercial and residential
Proposed Use:	Residential
File Number:	Z-06-02

Comprehensive Plan: Residential Low Density

At its meeting on August 21, 2006, the Planning Commission unanimously recommended denial of the proposed zoning change.

This application is to rezone the properties at 4242 West Denneys Road. The subject area is located on the south side of West Denneys Road, just west of Maple Glen Drive. The subject area consists of a single parcel of land totaling 9.0160 acres +/-. The property is currently zoned C-1A (Limited Commercial Zone) and R-15 (One Family Residential). The proposed zoning classification is RM-1 (General Residence Zone). The current owner of record is Daniel and Alverta Durham. A minor subdivision application went before the Planning Commission on March 20, 2006 and was granted conditional approval. This subdivision has recently been recorded.

Existing Property

The property consists of two existing buildings, a commercial structure on the northeast corner and a single family house located on the northwest corner. The existing commercial building has a current business license. The commercial building is proposed to be demolished. The residential structure has been subdivided and remain as a residence.

Surrounding Land Uses:

This property is located on the northern edge of the City's boundary. There is a subdivision (Carlisle Village) immediately to the north across West Denneys Road located in the County zoned RS1 (Single Family Residential Zone). To the south is land owned by the State of Delaware zoned RM-1 (General Residence Zone). To the east is the Male Glen Subdivision zoned R-8 (One Family Residential Zone). To the immediate west is land owned by the State of Delaware zoned RM-1 (General Residence Zone).

Comprehensive Plan:

In the *2003 Comprehensive Plan Update*, the Land Development Plan recommends that this property be used for Residential Low Density.

Request for RM-1 (Medium Density Residence Zoning)

The types of permitted uses in the RM-1 (Medium Density Residence Zone) are outlined in Article 3 §6.

6.1*Uses permitted.* In an RM-1 zone, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purposes, except the following:

(a) Any use permitted in one-family residence zones;
(b) One-family lot-line dwellings, not to exceed one such dwelling per lot;
(c) Duplex dwellings;
(d) Multiplex dwellings;
(e) Townhouses;
(f) Roominghouses accommodating not more than five roomers.

6.4 *Maximum density.* The gross residential density in an RM-1 zone shall not exceed six dwelling units per acre.

Recommendation of the Planning Staff:

The difference between the existing zoning and the proposed zoning is that the proposed zoning would reduce the minimum lot size required and the allow for duplex and multiplex dwellings, townhouses and rooming houses, in addition to single-family detached dwellings.

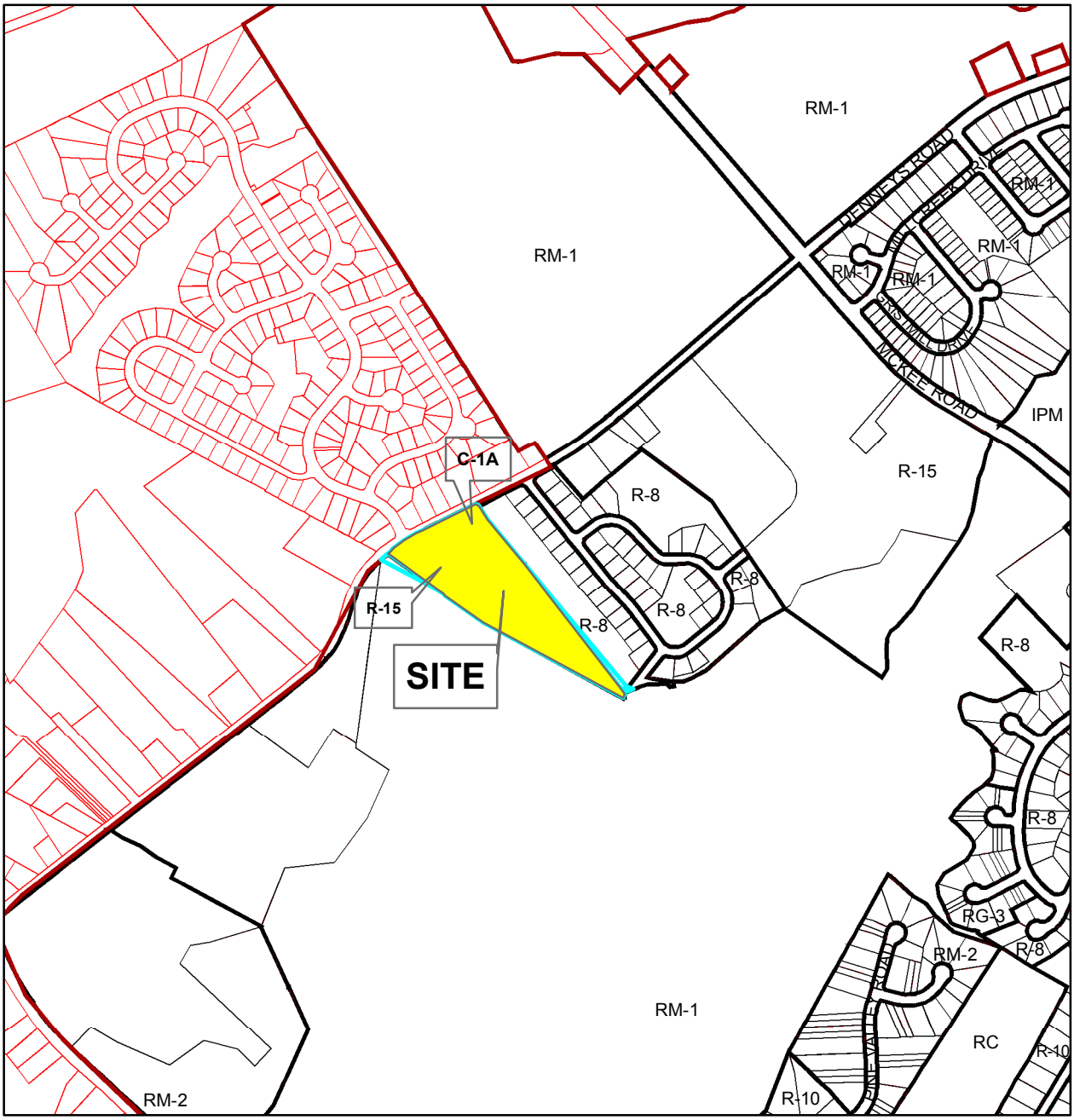
Staff does not support the request for RM-1 (Medium Density Residence Zone) because the zoning request is inconsistent with the zoning classifications identified for the Low Density Residential area in the Comprehensive Plan. Staff recommends that the Planning Commission forward a recommendation to City Council to deny the request for rezoning of the property to RM-1 (Medium Density Residence Zone).

The staff recommendation was made prior to the public hearing on August 21, 2006. Following the public hearing, Planning Commission unanimously supported the staff recommendation and recommended denial of the rezoning application.

City of Dover

Application No.: Z-06-02

Department of Planning & Inspections



Plan Title: Lands of Denneys Road, LLC
Plan Type: Rezoning
Tax Parcel: ED-05-066.00-01-04.00-000
Site Area: 6.9596 AC
Owner: Denneys Road LLC
Current Zoning: R-15 & C-1A
Proposed Zoning: RM-1
Date: 5-4-06

0 260 520 1,040 Feet

Jim McGinnis
FYI F 736-2715

TO: Kings Highway Neighbors
FROM: Jim Burcham
298 Kings Highway
Dover, DE 19901
RE: Rezoning petition for Playtex property-
DATE: Monday, 09-04-2006
CC: Councilmen Tim Slavin and Jim McGiffin

This is a follow-up to our neighborhood meeting of Monday, 08-28-06. There were 8 of us in attendance. We reviewed the current iteration of the plan for rezoning the Playtex property which includes split zoning of 2+ acres on the Kings Highway side, around the curve, to IO (Institutional-Office) with the remainder going to C-4 as originally requested. I-O seems to be somewhat more restrictive than C-4. The representation I got from Jim McGinnis is that our side of the property would be more strictly zoned to allow for a small nursing home or professional building that would serve as a buffer between Kings Highway and the Highway Commercial portion that will have a Rt. 13 entrance.

Consensus within this group of residents falls into 2 levels.

1st preference: Non-commercial use of the entire property

2nd preference: Low traffic professional office/nursing home building that is tastefully done and fits into the décor of the neighborhood. One resident expressed discontent with any C-4 zoning for the property, but is satisfied with I/O on our side facing Kings Highway.

Jim McGinnis had indicated when I met with him on Fri 08-25-06 that he had received calls from 2 of the neighborhood residents, whom he did not identify, as telling him they disagreed with the earlier neighborhood consensus opposing the change to C-4; they did not have any objection to that change in zoning. Given their acceptance of the less-restrictive C-4 possibility, I would assume that they would also not oppose the currently proposed split zoning for I/O on our side of the property. I encourage any of us who disagree with this consensus to write your concerns and opinions to the Planning Commission and/or Councilmen Slavin and McGiffin.

Under the assumption that none of the neighbors opposes the I/O split zoning, I will share this report with Jim McGinnis indicating our support of the "Split zoning" along with our recommendation for a tastefully-done structure/function that is compatible with this old, established neighborhood.

If you disagree with this statement of consensus, please either write on this document and/or write to the Planning Commission or the councilmen to air your views.

This issue will come up on the Sept 11 Council meeting. I would like to have your approval or dissenting comments by Sunday evening, 09-10-06, so I can accurately report the sentiments of the neighborhood. If you agree with this report, please sign and return it to me by Sunday. Thanks.

City of Dover

September 1, 2006

RECEIVED
SEP 5 2006
OFFICE OF THE CITY CLERK

Mr. Jack Melvin
H & M Properties LLC
P.O. Box 1341
Dover, DE 19901

Re: Comprehensive Plan Amendment and Rezoning Application Z-06-06: Lands of H & M Properties, LLC located on Commerce Way, Dover -

- **Land Development Plan Amendment: Land Use Type- Industrial and Public Utilities to Residential High Density;**
- **Rezoning: IPM- to RG-2**

Tax Parcel: ED-05-076.10-02-07.03-000.

Dear Mr. Melvin,

This letter is to confirm receipt of the request received via emails on August 16th (from Keith Kooker, project engineer) and August 21, 2006 (from George Chabbott, agent for H&M Properties) to withdraw the above listed application referenced as Z-06-06 Lands of H & M Properties, LLC located on Commerce Way. The City of Dover Planning Commission was advised of your withdrawal of the application for Comprehensive Plan Amendment and Rezoning at their meeting held on Monday August 21, 2006. This application has been formally withdrawn; any new requests or development activities will be subject to the filing of a new application for review.

If there are any further questions, please do not hesitate to contact this office during normal business hours at (302) 736-7010.

Sincerely,
Department of Planning and Inspections

Dawn E. Melson, AICP
Senior Planner

Cc: Anne Marie Townshend, AICP, Planning Director
[redacted] City Clerk's Office
Keith Kooker and Robert Stronsky, Landmark Engineering
Robert Ruggio, The Commonwealth Group
Mark Dunkle, Esq. Parkowski, Guerke & Swayze, P.A.
Z-06-06

PETITION TO AMEND ZONING DISTRICT
Before the Dover City Council
September 11, 2006

Applicants/Owners:	Leon & Dorothy Hansen 14956 Jarrell Road Goldsboro, MD 21636
Location:	Corner of N. Halsey Road and White Oak Road
Property Addresses:	N. Halsey Road & White Oak Road Dover, DE 19901
Tax Parcel ID #:	ED-05-068.14-05-85.00-000
Size:	1.1152 ± acres
Present Zoning:	C-PO (Commercial/Professional Office Zone)
Proposed Zoning:	IO (Institutional and Office Zone)
Present Use:	Vacant
Comprehensive Plan Designation:	Office and Office Parks
Proposed Use:	House of Worship
File Number:	Z-06-09

At its meeting on August 21, 2006, the Planning Commission unanimously recommended approval of the proposed zoning change.

This zoning change is being requested by Leon & Dorothy Hansen and The Potters House CFC, Inc. The subject parcel is currently zoned C-PO (Commercial/Professional Office Zone). The applicant is request IO (Institutional and Office Zone) zoning.

Existing Property:
The subject parcel is currently vacant.

Surrounding Land Uses:
The land adjacent to the site to the east is a neighborhood of single-family detached homes, zoned R-8 (One-Family Residence Zone). Just north of the site on Halsey Road is a condominium complex, zoned RG-2 (General Residence Zone). West of Halsey Road is a shopping center, zoned SC-2 (Community Shopping Center Development Zone).

Comprehensive Plan:
In the *2003 Comprehensive Plan Update*, the Land Development Plan recommends that this property be used for Office and Office Parks. The IO (Institutional and Office Zone) is consistent with this land use category.

Request for IO (Institutional and Office Zoning)
The types of permitted uses in the IO (Institutional and Office Zone) are outlined in Article 3 §10.

> 10.1*Uses permitted.* In an institutional and office zone, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:
>
> > 10.11 Business, professional, or governmental offices, and research, design and development laboratories, located entirely within a building on the same lot therewith, including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees.
> >
> > 10.12 Public and institutional uses including hospitals, sanitariums for general medical care, medical clinics, libraries, police stations, courthouses, transit centers, motor vehicle storage and repair facilities accessory to a public or institutional use, schools, colleges and universities, places of worship, philanthropic and eleemosynary institutions, parks, playgrounds, public indoor recreation centers, civic centers, athletic fields and public utility rights-of-way and structures necessary to serve areas within the city.
> >
> > 10.13 Restaurants accessory to permitted uses located on the same lot.
> >
> > 10.14 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.
> >
> > 10.15 Firearm ranges, prisons and correctional facilities, [and] public incinerators, as a conditional use, subject to the approval of the planning commission under the provisions of article 10, section 1.

Recommendation of the Planning Staff:
This request is to rezone land from C-PO (Commercial/Professional Office Zone) to IO (Institutional and Office Zone). The primary difference in uses permitted is that the IO (Institutional and Office Zone) allows for public and institutional uses. There are additional conditional uses as well, including firearm ranges, prisons, correctional facilities and public incinerators. Additionally, the C-PO (Commercial/Professional Office Zone) allows for a

maximum building height of 3 stories or 35 feet and a floor area ratio of 2.0, while the IO (Institutional and Office Zone) allows for a building height of 10 stories or 130 feet and a floor area ratio of 4.0.

While staff has some concerns about the height requirements in the IO (Institutional and Office Zone), the floor area ratio should preclude a structure from being erected that would be so large as to be out of character with the surrounding area. The requested zoning is consistent with the Comprehensive Plan.

Staff supports the request for IO (Institutional and Office Zone) zoning in this location. Staff recommends that the Planning Commission forward a recommendation to City Council to approve the request for the rezoning of the property to IO (Institutional and Office Zone).

The staff recommendation was made prior to the public hearing on August 21, 2006. Following the public hearing, Planning Commission unanimously supported the staff recommendation and recommended approval of the rezoning application.

City of Dover

Application No.: Z-06-09

Department of Planning & Inspections



Plan Title: Lands of Leon and Dorothy Hansen
Plan Type: Rezoning
Tax Parcel:ED-05-068.14-05-85.00-000
Site Area: 1.1152 AC
Owner: Leon and Dorothy Hansen
Current Zoning: C-PO
Proposed Zoning: IO
Date: 8-7-06

0 125 250 500 Feet

PETITION TO AMEND ZONING DISTRICT
Before the Dover City Council
September 11, 2006

Applicants/Owners	Dover Downs, Inc. PO Box 843 Dover, DE 19903
Location:	East of U.S. Route 13, adjacent to Dover International Speedway and Dover Downs Hotel and Casino
Property Addresses:	1131 North DuPont Highway Dover, DE 19901
Tax Parcel ID #:	part of ED-05-057.00-01-32.00-000 (Area previously identified as ED-05-057.00-01-31.01-000.)
Size:	69.622 ± acres
Present Zoning:	RC (Recreational and Commercial Zone), C-4 (Highway Commercial Zone), SC-1 (Shopping Center Development Zone)
Proposed Zoning:	RC (Recreational and Commercial Zone)
Present Use:	Vacant
Comprehensive Plan Designation:	Commercial
Proposed Use:	Future Expansion
File Number:	Z-06-11

At its meeting on August 21, 2006, the Planning Commission unanimously recommended approval of the proposed zoning change.

The amendment is being requested by Dover Downs, Inc. The proposed rezoning would clean up split zoning on a parcel owned by Dover Downs, Inc. The subject parcel is depicted on the Land Development Plan map as Commercial. The applicant is requesting RC (Recreational and Commercial) zoning, with the intent to use the remainder of the parcel for future expansion.

Existing Property
The subject parcel is the location of the Dover Downs Hotel and Casino. The portions for which the rezoning is requested are vacant.

Surrounding Land Uses:
The subject parcel is surrounded by commercial properties. The portion of the property proposed for rezoning adjacent to commercial lands that are zoned C-4 (Highway Commercial Zone) and SC-1 (Shopping Center Development Zone), and in proximity to lands zoned SC-2 (Shopping Center Development Zone).

Comprehensive Plan:
In the *2003 Comprehensive Plan Update*, the Land Development Plan recommends that this property be used for Commercial uses.

Request for RC (Recreational and Commercial Zoning)
The types of permitted uses in the RC (Recreational and Commercial Zone) are outlined in Article 3 §18.

> Section 18. Recreational and commercial zone (RC).
> 18.1 *Uses permitted.* No building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:
>
> 18.11 Public and private parks and playgrounds.
> 18.12 Athletic fields.
> 18.13 Baseball, football or boxing stadiums and arenas.
> 18.14 Public and private swimming pools and clubs.
> 18.15 Miniature golf courses and pitch and putt golf courses.
> 18.16 Golf or baseball driving ranges.
> 18.17 Golf courses and country clubs.
> 18.18 Commercial and recreational establishments, including dancehalls, skating rinks, bowling alleys and other similar indoor recreational uses, but excluding penny arcades and shooting galleries.
> 18.19 Circuses, carnivals and fairs, provided that no part of the activity area of such use shall be within 500 feet of a residential zone.
> 18.110 [18.20] Hotels, motels and restaurants.
> 18.111 [18.21] In addition, the following may be permitted as conditional uses under article 10, section 1 of this ordinance:
>
> (a) Outdoor and drive-in theaters, provided that adequate screening is installed to shield all adjacent properties and public streets and alleys from the glare of lights from the parking areas.
> (b) Auto, horse and motorcycle racetracks.
> (c) Airports and facilities incident to aviation.

> (d) Livery stables and riding academies, provided that the corrals shall be at least 200 feet from any dwelling, school, church, eating place and intermittent or running, natural or artificial watercourses.

Recommendation of the Planning Staff:

The subject parcel is surrounded by commercial uses, and more specifically, by Dover Downs, Inc. and Dover International Speedway, Inc. operations. From a long-term planning perspective, it makes sense to clean up the zoning in this area and bring it in line with the balance of the Dover Downs, Inc. land in this area. Making the proposed change would allow for Dover Downs, Inc. to plan for the long-term space needs.

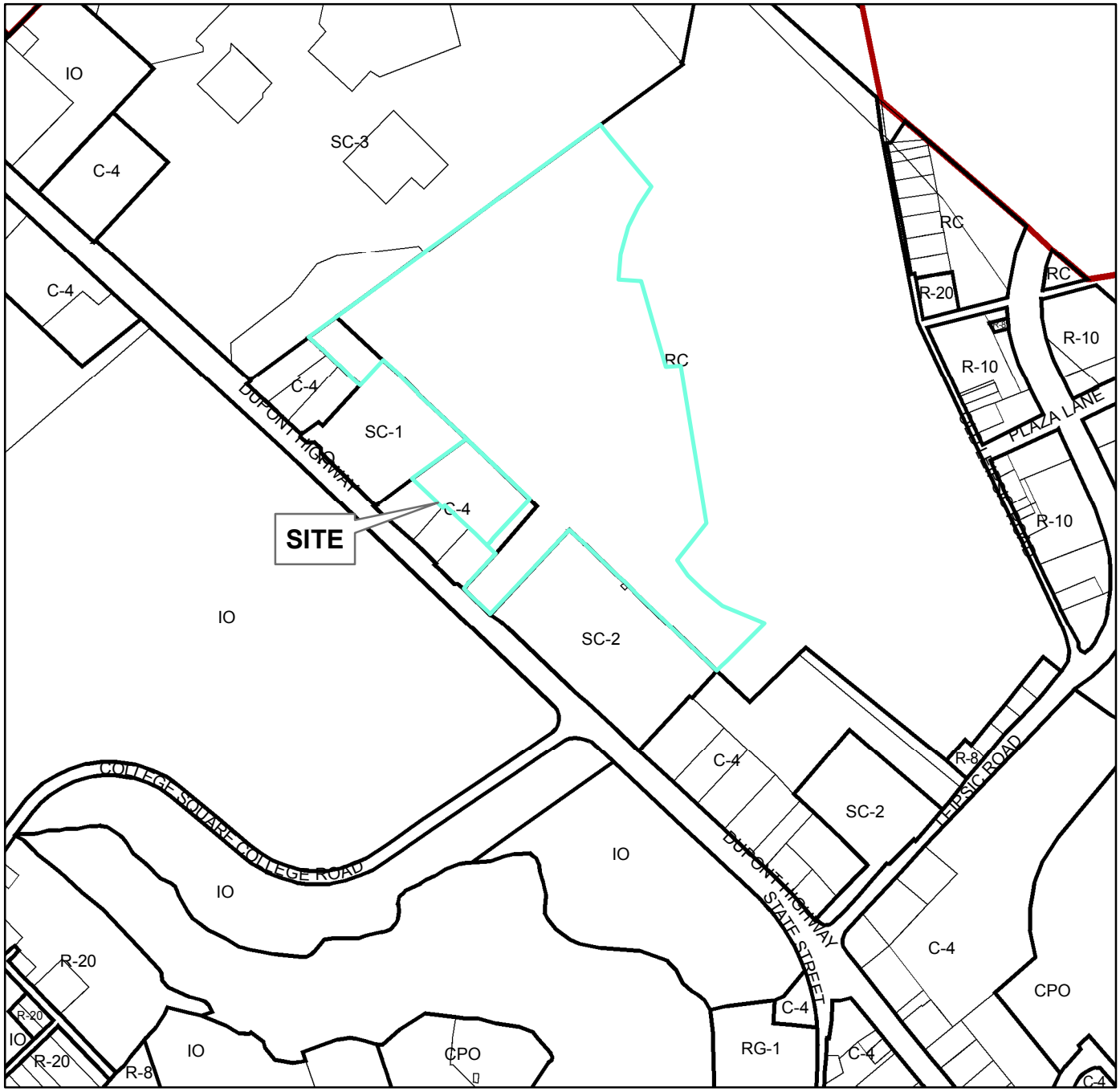
Staff recommends that the Planning Commission forward a recommendation to City Council to approve the request for rezoning of the property to RC (Recreational and Commercial Zone).

The staff recommendation was made prior to the public hearing on August 21, 2006. Following the public hearing, Planning Commission unanimously supported the staff recommendation and recommended approval of the rezoning application.

City of Dover

Department of Planning & Inspections

Application No.: Z-06-11



Plan Title: Lands of Dover Downs Inc.
Plan Type: Rezoning
Tax Parcels:ED-05-057.00-01-31.01-000 and ED-05-057.00-01-31.00-000
Site Area: 4.505 AC
Owner: Dover Downs Inc.
Current Zoning: C-4 and SC-1
Proposed Zoning: RC
Date: 8-7-06

0 215 430 860 Feet

PETITION TO AMEND ZONING DISTRICT
Before the Dover City Council
September 11, 2006

Applicants/Owners:	Dover International Speedway, Inc. PO Box 843 Dover, DE 19903
Location:	East of U.S. Route 13, adjacent to Dover International Speedway
Property Addresses:	Old Leipsic Road and Plaza Drive Dover, DE 19901
Tax Parcel ID #:	part of ED-05-057.00-01-32.01-000 (Areas were previously identified as ED-05-057.00-01-14.01-000, ED-05-057.00-01-35.00-000, and ED-05-068.05-01-08.00-000.)
Size:	152.491 ± acres
Present Zoning:	RC (Recreational and Commercial Zone), C-4 (Highway Commercial Zone), A (Agriculture Zone), R-8 (One-Family Residence Zone)
Proposed Zoning:	RC (Recreational and Commercial Zone)
Present Use:	Vacant
Comprehensive Plan Designation:	Commercial
Proposed Use:	Race Day Improvements
File Number:	Z-06-10

At its meeting on August 21, 2006, the Planning Commission unanimously recommended approval of the proposed zoning change.

The amendment is being requested by Dover International Speedway, Inc. The proposed rezoning would clean up split zoning on a parcel owned by Dover International Speedway, Inc. The subject parcel is depicted on the Land Development Plan map as Commercial. The applicant is requesting RC (Recreational and Commercial Zone) zoning with the intent to incorporate the parcels into the Race Day operations.

Existing Property
The subject parcel is the location of the Dover International Speedway. The portions for which the rezoning is requested are vacant.

Surrounding Land Uses:
The subject parcel is surrounded primarily by commercial properties. The portion of the parcel that is currently zoned A (Agriculture Zone) is bounded on the west by the Dover Mall, zoned SC-3 (Regional Shopping Center Development Zone). The portion along U.S. Route 13 is adjacent to commercial lands that are zoned C-4 (Highway Commercial Zone) and SC-2 (Community Shopping Center Development Zone).

Comprehensive Plan:
In the *2003 Comprehensive Plan Update*, the Land Development Plan recommends that this property be used for Commercial uses.

Request for RC (Recreational and Commercial Zoning)
The types of permitted uses in the RC (Recreational and Commercial Zone) are outlined in Article 3 §18.

> Section 18. Recreational and Commercial Zone (RC).
> 18.1 *Uses permitted.* No building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:
>
> 18.11 Public and private parks and playgrounds.
> 18.12 Athletic fields.
> 18.13 Baseball, football or boxing stadiums and arenas.
> 18.14 Public and private swimming pools and clubs.
> 18.15 Miniature golf courses and pitch and putt golf courses.
> 18.16 Golf or baseball driving ranges.
> 18.17 Golf courses and country clubs.
> 18.18 Commercial and recreational establishments, including dancehalls, skating rinks, bowling alleys and other similar indoor recreational uses, but excluding penny arcades and shooting galleries.
> 18.19 Circuses, carnivals and fairs, provided that no part of the activity area of such use shall be within 500 feet of a residential zone.
> 18.110 [18.20] Hotels, motels and restaurants.
> 18.111 [18.21] In addition, the following may be permitted as conditional uses under article 10, section 1 of this ordinance:
>
> (a) Outdoor and drive-in theaters, provided that adequate screening is installed to shield all adjacent properties and public streets and alleys from the glare of lights from the parking areas.

(b) Auto, horse and motorcycle racetracks.
(c) Airports and facilities incident to aviation.
(d) Livery stables and riding academies, provided that the corrals shall be at least 200 feet from any dwelling, school, church, eating place and intermittent or running, natural or artificial watercourses.

Recommendation of the Planning Staff:

The subject parcels are largely surrounded by commercial uses, and more specifically, by Dover International Speedway, Inc. operations. From a long-term planning perspective, it makes sense to clean up the zoning in this area and bring it in line with the balance of the Dover International Speedway, Inc. land in this area. Making the proposed change would allow for Dover International Speedway, Inc. to plan for the long-term and integrate these parcels into its Race Day operations.

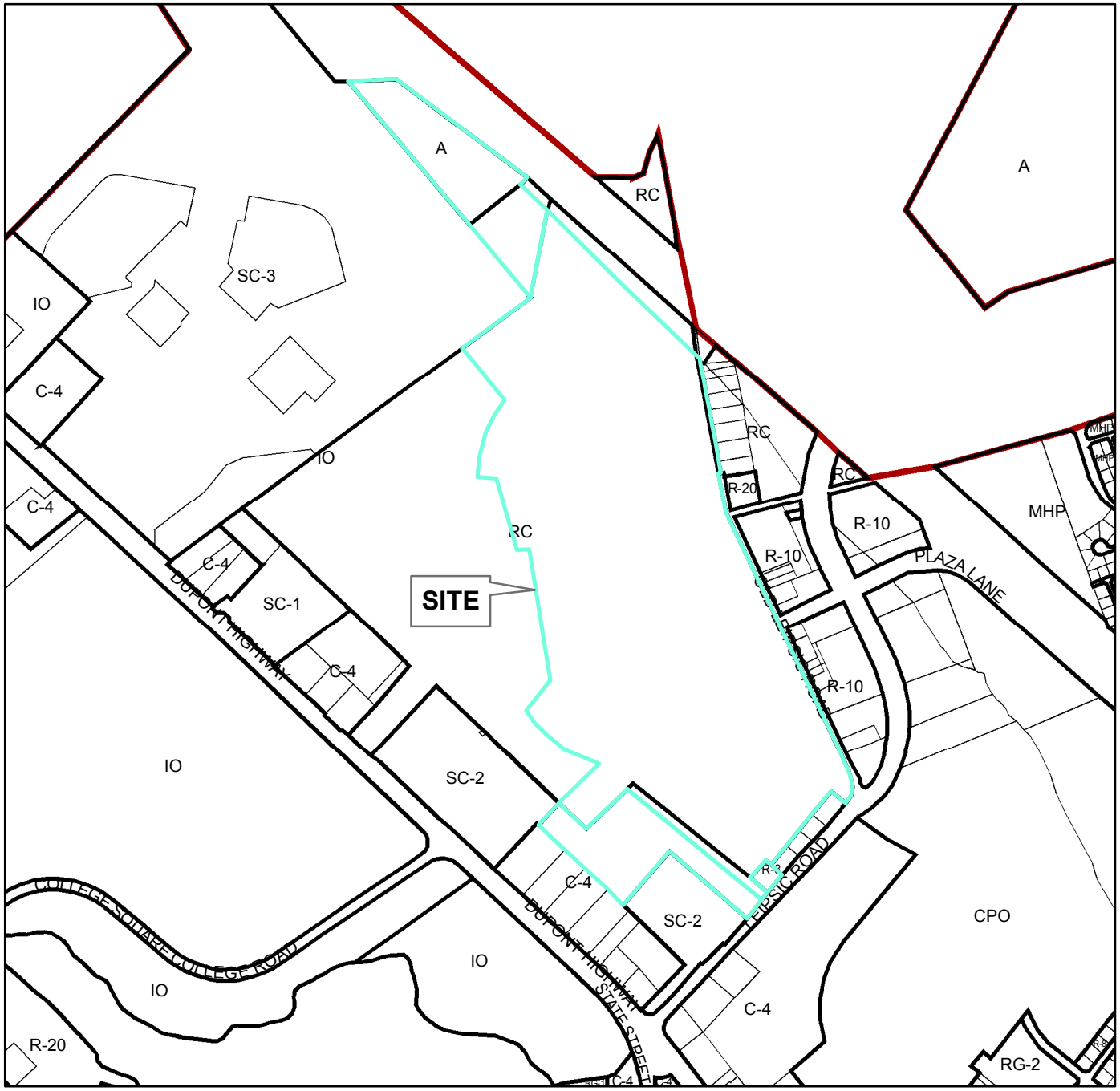
Staff recommends that the Planning Commission forward a recommendation to City Council to approve the request for rezoning of the property to RC (Recreational and Commercial Zone).

The staff recommendation was made prior to the public hearing on August 21, 2006. Following the public hearing, Planning Commission unanimously supported the staff recommendation and recommended approval of the rezoning application.

City of Dover

Application No.: Z-06-10

Department of Planning & Inspections



Plan Title: Lands of Dover International Speedway Inc.
Plan Type: Rezoning
Tax Parcels:ED-05-057.00-01-32.01-000. ED-05-057.00-01-14.01-000, ED-05-057.00-01-35.00-000 and ED-05-068.05-01-08.00-000
Site Area: 152.491 AC
Owner: Dover International Speedway Inc.
Current Zoning: RC, A. C-4, and R-8
Proposed Zoning: RC
Date: 8-7-06

0 250 500 1,000 Feet

~~Text depicted with strikeout will be omitted.~~ ***Text depicted with bold italic is proposed.***

3-34. Overhead Single Phase Extensions

a. Residential.

For a Residential Customer the City will install, own and maintain at its expense, a line extension either on or along public right-of-way, on a right-of-way on private property, or on Customer's private property ~~for up to 300' for each service extension~~. Service extensions ~~over 300'~~ will require a fee of ~~50%~~ ***100%*** of the cost ~~over 300', not to exceed $200~~.

b. Commercial and Primary.

For a commercial or primary customer, extensions will be made on or along public right-of-way. On a right-of-way on private property, extensions will be made only to service more than one customer. Such extensions will be made and a fee of ~~50%~~ ***100%*** of the cost of installation will be required.

c. Extension on Customer's Property.

The City will install, own and maintain at its expense an extension on private property for the use of a residential customer ~~for up to 300' of each service extension~~. Service extension ~~over 300'~~ will require a fee of ~~50%~~ ***100%*** of the cost of the installation.

3-35. Overhead Three Phase Extensions

a. Commercial and Primary.

For a Commercial or Primary Customer extensions will be made on or along public right-of-way. On a right-of-way on private property extensions will be made only to serve more than one customer. Such extensions will be made and a fee of ~~50%~~ ***100%*** of the cost of the installation will be required.

Extensions on private property to serve a single Commercial or Primary Customer will be installed, owned and maintained by the Customer.

3-36. Underground Extensions

a. Residential.

The City will install underground extensions of primary, secondary and services (subject to Rules and Regulations of Underground Services) to serve customers in new developments. The developer will be required to install, at its expense, conduits, equipment and pads as designed by the City's Engineering Department. In addition, a fee of ~~$250~~ ***$850*** per platted lot is required.

The City will examine request for underground extensions individually in areas other than those planned initially for underground.

b. Commercial and Industrial.

The City will install underground extensions on or along public right-of-way or on a right-of-way on private property to serve more than one customer only in areas where the existing distribution system is underground or an underground system is planned. The developer will be required to install, at their expense, conduits and equipment pad as designed by the City's Engineering Department. In addition, a fee of ~~$250~~ **$850** per platted lot is required.

~~In a planned underground distribution area, the City's extension will include all facilities which are used to supply more than one customer and may involve installation and ownership of facilities on the Customer's premises where looped circuits and switching area used. Extensions of private property to service a single Commercial or Industrial Customer will be installed, owned and maintained by the Customer.~~

Ex 17

Subject Parcel

011996019592

Tax Parcel # ED-05-077.10-02-17.00-000

Prepared By: Daniel M. Kristol
Prickett, Jones, Elliott, Kristol & Schnee
1310 King Street, P.O. Box 1328
Wilmington, DE 19899

Grantees Address:
18 The Green
Dover, DE 19901

CORPORATE DEED

D 00189 0170

ED-05-077.10-01-04.00-000

THIS QUITCLAIM DEED, MADE THIS X 1st day of X October in the year of our LORD one thousand nine hundred and ninety-six (1996).

BETWEEN CITY OF DOVER, a Municipal corporation, party of the first part,

- A N D -

CAPITOL GREEN HOUSING CORPORATION, a Delaware corporation, party of the second part,

WITNESSETH, that the said party of the first part for and in consideration of the sum of **TEN DOLLARS ($10.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants, releases and conveys unto the said party of the second part, its Successors and Assigns, all of its right, title, and interest, if any, in and to:

ALL that certain lot, piece or parcel of land situate in the City of Dover, Kent County, State of Delaware, shown as "reserved" on the Plan of Section 2-A Capitol Green, Plat Book 3, Page 124, and being more particularly bounded and described as follows, to wit:

BEGINNING at a point on the Southerly side of a 20.00 feet wide alley connecting the Southerly side of Sussex Avenue (at 50.00 feet wide) to the Westerly side of Castle Avenue (at 50.00 feet wide), said point being a corner for Lots 44 and 45 and being located 261.81 feet measured on the Southerly side of said alley from the Westerly side of Castle Avenue; thence from said point of Beginning by the rear line of Lots 44, 43 and 42, South 76 degrees 02 minutes West, 102.03 feet to a point in line of Lot 28; thence by Lots 28, 27 and 26, North 08 degrees 35 minutes West, 100.00 feet to a point in the Southerly side of said alley (at 15.00 feet wide); thence by the Southerly side of said alley at varying widths, South 73 degrees 05 minutes East, 159.89 feet to the point and place of **BEGINNING**. Be the contents thereof what they may.

SUBJECT to all existing Restrictions, Easements and Agreements of record in the Office of the Recorder of Deeds, in and for Kent County and State of Delaware.

THE ABOVE described property is to be used as a park and recreational area only, and it is one of the conditions of this conveyance that it shall not be conveyed or sold by Capitol Green Housing Corporation without the prior consent of the City of Dover. If the property or any part thereof shall not be used or maintained for park and/or recreational purposes, or shall be sold and/or conveyed without the prior consent of the City of Dover, then all the right, title and interest in and to the property herein conveyed shall revert to and reinvest in the City of Dover, its Successors and Assigns, as fully and completely as if this Indenture had not been executed.

KENT COUNTY REALTY
TRANSFER TAX $ -0- TE
PAID AT RECORDING TO

DRTT-0-TE