EXHIBIT #2

City of Dover

PETITION TO WAIVE CERTAIN SUBDIVISION STREET DESIGN STANDARDS

Before The City Council Utility Committee
August 11, 2003

Plan Title:	Kent County Administration Complex Revised Site Plan (July 2003)
Applicant:	Kent County Levy Court 414 Federal Street Dover, DE 19901
Location:	555 Bay Road, Dover, DE
Site Area:	6.77 Acres +/- (Parcel S-2, Building Site) 5.20 Acres +/- (Parcel S-1, Project Site) Parcel S-2A, Future Parking Site
Present Use:	Vacant Commercial Building
Proposed Use:	77,000 SF Office Building
Sewer & Water:	Proposed - City of Dover
Zoning Classification:	Existing: C-4 (Highway Commercial)
Comprehensive Plan:	Commercial
File:	S-02-24

Findings and Recommendations of the Dover Planning Commission

This waiver request was considered at the July 21, 2003 meeting of the Planning Commission. The following members were present: Chairman Friedman, Mr. Nichols, Mrs. Horsey, Mr. Sadusky, Mr. Holt, Mr. Winsley, and Mr. Von Reider. The report contains information on the waiver request.

PROJECT SUMMARY

The subject property consists of multiple parcels of land. The Parcel S-2 and Parcel S-1 proposed as the building site consist of a total of 11.97 acres +/- of land zoned C4 (Highway Commercial). The property is situated on the east side of U.S. Route 113 south of South Little Creek Road. The owner of record is Kent County Levy Court. A second parcel (Parcel S-2A) is

adjacent to South Little Creek Road and the new road is proposed along the east property line of Parcel S-2. Parcel S-2A is proposed for future parking.

The Plan proposes the construction of a two-story 77,000 ± square foot office building and associated site improvements including parking, utilities, and landscaping. A new road is proposed to link South Little Creek Road to the existing north entrance road in the Blue Hen Corporate Center. The proposed street is planned to be dedicated to the City of Dover as a public street.

Planning Commission originally granted Site Plan approval to the Kent County Administrative complex in August 2002. At the July 21, 2003 Planning Commission Meeting, a Revised Site Plan (dated July 10, 2003) was approved and a recommendation provided regarding the street right-of-way. The revisions to the Site Plan S-02-24 include enlargement of project site area pending acquisition of Parcel S-1, redesign and relocation of stormwater management areas, redesign of parking lot, and redesign of landscape plan with the addition of required trees for the new project area. A one-year extension of the Site Plan approval was also granted.

Approved Request for Street Width Reduction: City Street Requirements
A new roadway is proposed east of the building to connect South Little Creek Road and the north entrance road of the Blue Hen Corporate Center. Previously, the applicant formally requested a waiver from the City of Dover Subdivision Street Design Requirements set forth in *the Land Subdivision Regulations* (Dover Code, Appendix A, Article VI, Section A). Following Planning Commission recommendation and Utility Committee recommendation, the City Council on September 23, 2002 granted the reduction in the minimum thirty-eight (38) foot paved width requirement to permit paved widths of thirty (30) feet and the reduction of right-of-way from sixty (60) feet to fifty (50) feet. The Street will be dedicated to the City of Dover.

CURRENT WAIVER REQUEST
Request for Street Right-of-way Reduction & Configuration: City Street Requirements
Article VI §A. Streets of the *Land Subdivision Regulations* outlines the requirements for right-of-way dimensions and configuration. In a letter dated July 10, 2003 the applicant requested a waiver from these requirements. See attached letter. Also attached is the Department of Public Works letter pertaining to this issue.

The following are *Land Subdivision Regulations* Article VI §A Items 10, 11, and 12 that pertain to right-of-way dimensions and configuration.

> 10. Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the centerline of the right-of-way shall not be less than five hundred (500) feet on arterial streets, three hundred (300) feet on collector streets and one hundred fifty (150) feet on minor streets. The outer and inner right-of-way line shall be parallel to said center right-of-way line.

11. Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than ninety (90) degrees shall be tangent to and follow a curve with a minimum radius of one hundred fifty (150) feet centered on the nearest right-of-way line shall be parallel to said inner right-of-way line.

12. Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be twenty-five (25) feet.

The dimensions of the right-of-way vary from fifty (50) feet to eighty-five (85) feet. The parallel boundary lines of the right-of-way vary in form (curves and angles). These variations are the result of parcel boundaries, existing service road dimensions, and the configuration of the existing north entrance to the Blue Hen Corporate Center.

Recommendation of the Dover Planning Commission

The Planning Commission reviewed the proposed street right-of-way dimensions and configuration waiver request as part of its review of the Revised Site Development Plan for the Kent County Administrative Complex and unanimously of the members present (7-0) moved to recommend approval of the waiver as requested. The proposed dimensions and configuration is shown on the Right-of-way Plan.

This recommendation is forwarded to the Utility Committee and City Council for final approval in regard to this street right-of-way waiver.

The Right-of Way Plan of the proposed street associated with the Kent County Administrative Complex will be presented at the Utility Committee Meeting to further illustrate the dimensions and configuration this proposed street right-of-way.

Attachments: Waiver Request Letter from Becker Morgan Group dated July 10, 2003
Letter from the Department of Public Works dated June 24, 2003

Report written by Dawn E. Melson, AICP August 5, 2003

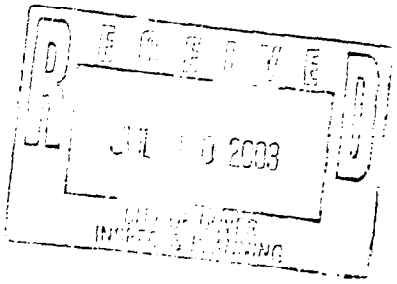
cc: S-02-24 Kent County Administrative Complex
Mr. Robert McLeod, Kent County Levy Court
Mr. Gregg Moore, Becker Morgan Group, Inc.

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BECKER MORGAN GROUP

ARCHITECTURE
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July 10, 2003

Ms. Dawn Melson, AICP
City of Dover
Planning/Inspections
P.O. Box 475
Dover, DE 19903-0475

RE: **Follow-up to June 10, 2003 Meeting**
KENT COUNTY ADMINISTRATIVE COMPLEX
Dover, Delaware
2000/088.01

Dear Dawn:

I am writing as a follow-up to our meeting on June 10, 2003, concerning the Kent County Administration Complex located on the Acme site on Bay Road in Dover, Delaware. As you pointed out in the meeting, the site plan was approved by the Dover Planning and Zoning Commission in August 2002. I am hereby requesting on behalf of Kent County a one-year extension to the approval. I would like to attend the July 21, 2003, Planning Commission Hearing to answer any questions concerning the request.

In addition to requesting the site plan approval extension, I am hereby requesting a variance from code on the proposed right-of-way for the city street. My request is based on comments received by Kent County on its submission of the roadway right-of-way plan to Scott Koenig for the city street, detailed on the site plan. It is my understanding that to provide for recordation, both Planning Commission and Council must approve a variance for the right-of-way. I am attaching the right-of-way plan for your review.

Thank you for your cooperation. If you need any additional information, do not hesitate to contact me.

Sincerely,

BECKER MORGAN GROUP, INC.

Gregory V. Moore/R.L.H.

Gregory V. Moore, P.E.
Vice President

GVM/rlh

Cc: Mr. Robert McLeod

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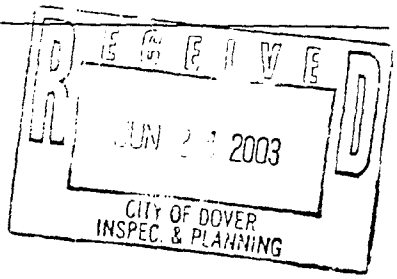
www.beckermorgan.com

The City of Dover

CAPITAL OF THE FIRST STATE

S-02-24

June 24, 2003



Mr. Robert S. McLeod
County Administrator
Kent County
414 Federal Street
Dover, DE 19901

RE: SERVICE ROAD RIGHT OF WAY PLAN
U.S. ROUTE 113 TO SOUTH LITTLE CREEK ROAD

Dear Mr. McLeod:

Our office has reviewed the right-of-way plan for the service road from U.S. Route 113 to South Little Creek Road, dated April 11, 2003. The plan appears to contain all the survey data required for right-of-way plans in the City of Dover Specifications, Standards, and Procedures for Public Works Construction. The design of the right-of-way on the other hand is not acceptable.

The "Service Road" has deficiencies in the alignment and layout of the right-of-way lines. All street right-of-way lines deflecting from each other at any point shall be connected with a curve. Please note that under Section 2,A. Streets, General Requirements and Design Standards, from the City of Dover Specifications, Standards, and Procedures for Public Works Construction, Item 10 requires a minimum radius of 150 feet for the center line of the right-of-way and the inner and outer lines shall be parallel to the center line. Item 12 under the same section states the following: "Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be twenty-five (25) feet." The easterly right-of-way line from South Little Creek Road to the entrance road is shown without the required curves and therefore, does not meet the City of Dover Standards. This right-of-way is for construction of a new roadway to be dedicated to the City of Dover after construction and acceptance and should be design to meet city standards.

The existing entrance road right-of-way also does not meet City of Dover standards and is not preferred. It is my understanding that it was designed around the existing roadway and property lines. Our office would prefer that the right-of-way lines be parallel and a uniform width of one hundred (100) feet including all curbs and sidewalks.

If you have any questions or concerns regarding this correspondence, please contact me at your earliest convenience.

Sincerely,

Andrew Riggi, P.E.
Assistant City Engineer
(302) 736-7025

cc: Anthony J. DePrima, City Manager
Dawn Melson, Planning and Inspections
J. C. Dodd, Becker Morgan Group

EXHIBIT #3

JUL 29 2003

Kent County

Levy Court

Commission Members
David R. Burris, President
Ronald D. Smith, Vice-President
P. Brooks Banta
Donald A. Blakey, Ph.D.
Michael P. Cebrick
Richard E. Ennis
Harold J. Peterman

414 Federal Street
Dover, Delaware 19901-3615
(Handicapped Accessible)
(302) 744-2305
FAX (302) 736-2279

July 25, 2003

Scott Koenig, PE
Public Works Director
City of Dover
15 E. Loockerman Street
Dover, DE 19901

Dear Scott:

As previously discussed, Kent County requests that two roads be dedicated to public use, see attached Becker Morgan drawing. The north-south road between the school and county properties will be shortened and made safer. The east-west road section from the highway to the stop sign is a good main ingress route to the Blue Hen Corporate Center and County Complex.

Please accept this letter as a formal commitment on behalf of Kent County to provide funding for the north-south road, one section to be constructed, the other section upgraded. Previously, construction and upgrading cost estimates were submitted to your office and subsequently reviewed and endorsed. The estimate was further validated when the City's recent bid numbers were compared to those in the Becker Morgan estimate.

Within the last thirty days, Kent County has secured Legislator commitment letters for more than 50 percent of the funding. All Kent County Legislators have indicated a willingness to commit funds, either this year or split over two years. Sufficient funding will be available this calendar year to construct and open the new road section from South Little Creek Road. The County will ensure funds are available to complete the work.

For your information, the County has learned of a new DELDOT project to upgrade the signalized intersection on US113. The Department has asked the County for additional land from US113 along our southern property line. The County has agreed to this transfer so that DELDOT can widen the east-west road section.

The dedication of these roads during early August is a linchpin in the County timetable that includes (1.) The final parcel transfer from Blue Hen Venture, (2.) Awarding the Demolition and Site Work Contract, and (3.) Start of construction. The County needs to make significant progress on construction before winter so that commitments to the State involving moving County offices and the start of State construction at the Court House can be met. Your assistance is appreciated.

Very truly yours:

Robert S. McLeod
County Administrator

"Serving Kent County With Pride"

cc: Mayor and City Manager