

Brown, Robby L (DeIDOT)

From: Rosebrooks, Beth (DeIDOT)
Sent: Monday, July 30, 2018 2:36 PM
To: McCleary, Robert (DeIDOT); Alexander, Mark (DeIDOT); Boyce, Drew (DeIDOT); Sisson, Steven (DeIDOT)
Cc: Brown, Robby L (DeIDOT); Cunningham, Robert (DeIDOT); Belford, Amanda (DeIDOT); Stoakley, Terri (DeIDOT); McGee, Beth (DeIDOT)
Subject: K-253 and K-252 Request for Disposal
Attachments: K-253 Routing package.pdf
Importance: High

Good Afternoon,

Attached please find the routing for a request to dispose of state owned lands. This particular request is being handled a bit differently for various reasons, mainly, Sec. Cohan has asked that we expedite the process as quickly as we can. I would "walk it through" but in our research we came upon the Archeological Restriction Declaration for the larger of the two pieces and felt that more time was needed for review than one day.

As you can see in the package, the request originated from the attorney, John Paradee. He has been made aware of the restrictions and argues that the "site" mentioned by SHPO is for just a small portion (.1033 acres) and not the entire parcel. Our environmental section has been made aware of the ambiguity of the restrictions and are looking into it. Sec. Cohan and our DAG staff have also been made aware. Ken Feaster has also allowed us to enclose his opinion on this. His e-mail is within the packet but with explicit instructions for it to go nowhere outside of DeIDOT.

Both properties were purchased under 25-129-01-Corridor Preservation. The original owners wanted commercial access and were denied due to SR1 being a limited access highway. As a result, the Department purchased both parcels and there is now a Denial of Access along the Bay Road/SR1 frontage. This WILL REMAIN and the requestor is completely aware and fine with it.

The requestor in this case, (an adjoining property owner) is hoping to build a hotel on his lands assembled with our two parcels for the use of the DE Turf visitors.

We would like to have comments back to us prior to August 13 but if you can get them to us sooner, it would be greatly appreciated. I apologize in advance for the rush. I do hope that you understand. If there are any questions, please don't hesitate to ask.

Beth

***Beth Rosebrooks, Land Services Manager
DeIDOT/DOTS/ROW
P.O. Box 778
800 Bay Road
Dover, DE 19903
302-760-2757***



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

MEMORANDUM

TO: Robert McCleary, Chief Engineer
Drew A. Boyce, Director of Planning
Mark Alexander, Director of Maintenance and Operations
John Sisson, Chief Executive Officer, DTC

VIA: Robert M. Cunningham, Chief of Right-of-Way

VIA: Beth E. Rosebrooks, Land Services Manager *BER*

From: Robby L. Brown, Right-of-Way Agent *RLB*

Date: July 30, 2018

Re: Routing Requesting of:
State Owned Lands ... Kent County
K-252
Parcel No. MD-00-141.00-01-08.00
4487 Bay Road, Frederica
K-253
Parcel No. MD-08-141.00-01-02.00
4615 Bay Road, Frederica

An adjacent owner has inquired to purchase the parcels referenced above. The Right-of-Way Section is requesting comments on whether said lands are no longer needed for transportation purposes and can be disposed of accordingly.

The two parcels were purchased as part of the SR-1, Corridor Capacity Preservation Program. The houses were removed and both parcels have been imposed with a denial-of-access along the frontage of Bay Road (US 113) in Frederica, therefore no access will be offered.

Land Inventory No. K-252, known as Kent County Tax Parcel No. MD-00-141.00-01-08.00 is located on the westerly side of US 113, in the Milford Hundred. The last known address to this parcel was 4487 Bay Road, Frederica, DE. Records indicate that the parcel contains approximately 3.08 acres as recorded in Deed Book 4689 Page 58, and is zoned AC.

Land Inventory No. K-253, known as Kent County Tax Parcel No. MD-08-141.00-01-02.00 is located on the westerly side of US 113, in the Milford Hundred. The last known address to this parcel was 4615 Bay Road, Frederica, DE. County records indicate that the parcel contains approximately 8.59 acres as recorded in Deed Book 4689 Page 23, and is zoned AC. **Please note: This parcel has a Declaration of Covenants, Conditions and Restrictions (Instrument Number: 2012-206669/Book 6172, Page 94) for Archeological Site 7K-F-201, by the Delaware Department of Transportation (DelDOT) at the request of the Delaware State Historic Preservation Officer (SHPO). The Declarations currently being reviewed are attached for your reference.**

Attached is a copy of the:

- Letter to Purchase
- Aerial Photograph of Parcels
- Deed Book 4689 Page 58 - MD-00-141.00-01-08.00 - 4487 Bay Road, Frederica, DE
- Deed Book 4689 Page 23 - MD-08-141.00-01-02.00 - 4615 Bay Road, Frederica, DE
- Declaration of Covenants, Conditions and Restrictions (Instrument Number: 2012-206669/Book 6172, Page 94) for Archeological Site 7K-F-201
- Comment Form

Please submit comments, specifying support or opposition to this request. Please return your comments no later than **Monday, August 13, 2018** using the attached form. **Note: If I do not receive your response by this date, it will be assumed that you do not have an objection to this request.**

If you have any questions, please contact me at 760-2240.



BAIRD
MANDALAS
BROCKSTEDT LLC

JOHN W. PARADEE
302.677.0061
John@bmbde.com

July 19, 2018

RECEIVED

JUL 23 2018

DeIDOT
ROW ADMIN

VIA ELECTRONIC & REGULAR MAIL

Beth Rosebrooks
Land Services Manager
DeIDOT/DOTS/ROW
P.O. Box 778
Dover, Delaware 19903

RE: Tax Parcel #5-00-141.00-01-08.00-00001
Tax Parcel #5-08-141.00-01-02.00-00001

Dear Beth:

Please allow this letter to confirm that my clients, JMER Properties, LLC, MSK Ventures, LLC, and Jonny Nichols Nurseries, LLC (collectively, "JMER"), are interested in acquiring the above-referenced parcels of excess land presently held by the State of Delaware (the "Parcels"). As you may be aware, JMER presently owns lands and premises located to the west of and immediately adjacent to the Parcels.

Please initiate whatever procedures may be required in order to commence review and consideration of this request as soon as possible.

Thank you for your courtesy and prompt attention. If you should have any questions or require any additional information whatsoever, please do not hesitate to contact me.

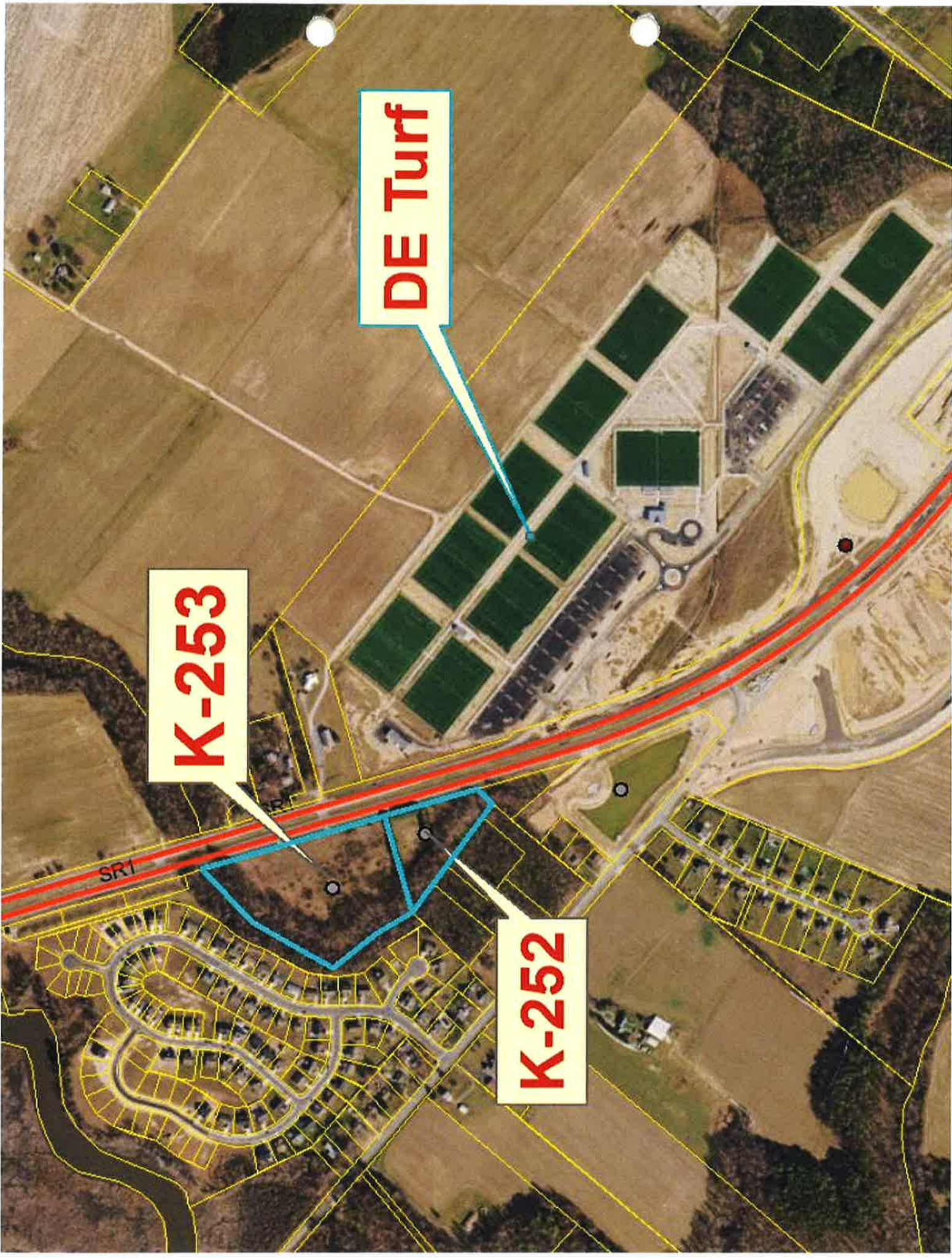
Very truly yours,



John W. Paradee

JWP/lwr

cc: Michael S. Koppenhaver
Carey Koppenhaver
Jonny Nichols



DE Turf

K-253

K-252

4689/0058

Kent County
Betty Lou McKenna
Recorder of Deeds
Dover, DE 19901



70 2008 00134526

Instrument Number: 2008-134526

Recorded On: October 21, 2008 As-Deed

Parties: THOMAS ROBERT L TR

To ST-STATE OF DELAWARE

of Pages: 4

Comment:

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

Deed		37.00
	# of Pages	3
	# of Parcel IDs	1
Total:		37.00

Realty Tax Information

Affidavit Attached-No		
STATE AND COUNTY OF KENT		EXEMPT
	Value	670,000.00
State of Delaware		0.00
County of Kent		0.00
		0.00

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Kent County,

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Record and Return To:

Document Number: 2008-134526
 Receipt Number: 220833
 Recorded Date/Time: October 21, 2008 10:49:21A
 Book-Vol/Pg: BK-RE VL-4689 PG-58
 User / Station: C Yerkes - Cashier 4

PARKOWSKI GUERKE & SWAYZE
 116 WEST WATER STREET
 DOVER DE 19903



Betty Lou McKenna

Accepted for Filing in:
Kent County
Doc# 134526
On: Oct 21, 2008 at 10:49A

Tax Map No.: MD-00-141.00-01-08.00-000
Prepared By and Return To:
Parkowski, Guerke & Swayze, P.A.
P.O. Box 598
Dover, Delaware 19903

DEED

THIS DEED, Made this 20th day of October, A.D. 2008, by and between:

Robert L. Thomas, Liquidating Trustee for Lloyd F. Arnold and Rodney Mitchell, Jr. (C.A. No. 2300-VCS), of P. O. Box 594, Georgetown, DE 19947, Party of the First Part,

A N D

STATE OF DELAWARE of P. O. Box 778, Dover, DE 19903, Party of the Second Part,

WITNESSETH, that the said Party of the First Part for and in consideration of the sum of SIX HUNDRED SEVENTY THOUSAND DOLLARS (\$670,000.00) lawful money of the United States of America, the receipt whereof being hereby acknowledged, hereby grants and conveys unto the Party of the Second Part, its successors and assigns,

ALL that piece or parcel of land, lying and being on the westerly side of U.S. Route 113, located in Milford Hundred, Kent County, Delaware, being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

BEING the same lands and premises conveyed unto Lloyd F. Arnold and Rodney Mitchell, Jr. by Deed of Donald C. Spence and Sara J. Spence dated October 13, 2004, of record in the Office of the Recorder of Deeds, in and for Kent County, Delaware, in Deed Book 655, Page 311.

By Order Appointing Liquidating Trustee Pursuant to 6 Del. C. § 18-803 filed September 13, 2007, Robert L. Thomas was appointed Trustee, a copy of the Order being of record in the Office of the Recorder of Deeds, aforesaid, in Instrument No. 2007-107022, Volume 4123, Page 163.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year aforesaid.

Signed, Sealed and Delivered Lloyd F. Arnold and Rodney Mitchell, Jr.
in the Presence of:

Lisa M. Steele By: [Signature] (SEAL)
Witness Robert L. Thomas, Liquidating Trustee
(C. A. No. 2300-VCS)

STATE OF DELAWARE :
: SS.:
COUNTY OF SUSSEX :

BE IT REMEMBERED that on this 30th day of October, A.D. 2008, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Robert L. Thomas, Liquidating Trustee for Lloyd F. Arnold and Rodney Mitchell, Jr. (C.A. No. 2300-VCS), party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his act and deed and act.

GIVEN under my Hand and Seal of office the day and year aforesaid.

[Signature]
Notary Public Signature

LISA M. STEELE
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Nov. 6, 2009

Notary Name - Printed or Typed

My Commission Expires: 11-06-09

EXHIBIT "A"

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the westerly side of U.S. Route 113 and being located in Milford Hundred, Kent County, Delaware, as shown on a plat entitled "Boundary Survey of the lands of Lloyd F. Arnold & Rodney Mitchell, Jr.," completed by Davis Bowen & Friedel, Inc., dated January 2008; said piece or parcel being more particularly described as follows:

BEGINNING at an iron pipe found at a point formed by the intersection of westerly right-of-way line of U.S. Route 113, 200 feet wide, with the northwesterly line of lands of, now or formerly, Patel Properties, Inc., as recorded in the Office of the Recorder of Deeds in and for Kent County and the State of Delaware in Deed Book D-635, Page 247;

- 1) Thence, leaving said right-of-way line of U.S. Route 113 and coincident with said Patel lands, South 40 degrees 35 minutes 16 seconds West 94.83 feet to a iron pipe found on the northeasterly line of lands of, now or formerly, John Andrew Martin, et. al., as recorded in said Office of the Recorder of Deeds in Deed Book D-148, Page 29;
- 2) Thence, leaving said Patel lands and coincident with said Martin lands, North 52 degrees 36 minutes 44 seconds West 632.23 feet to a wood post on the northeasterly line of lands of, now or formerly, Waters Edge Subdivision, as recorded in said Office of the Recorder of Deeds in Plat Book 81, Page 83;
- 3) Thence, leaving said Martin lands and coincident with said Waters Edge, North 29 degrees 38 minutes 36 seconds West 1.59 feet to a point on the southerly line of lands of, now or formerly, Jordan Enterprises (2005) LLC, as recorded in said Office of the Recorder of Deeds in Deed Book D-2152, Page 261;
- 4) Thence, leaving said Waters Edge lands and coincident with said Jordan Enterprises lands, North 73 degrees 40 minutes 24 seconds East 453.98 feet to an iron rod and cap set at a point on the aforementioned right-of-way line of U.S. Route 113, 200 feet wide,
- 5) Thence, leaving said Jordan Enterprises lands and coincident with said right-of-way line of U.S. Route 113, South 16 degrees 19 minutes 36 seconds East 459.40 feet to the point and place of beginning; **CONTAINING** 3.087 acres of land.

POOR ORIGINAL

4689/0023

Kent County
Betty Lou McKenna
Recorder of Deeds
Dover, DE 19901



70 2008 00134514

Instrument Number: 2008-134514

Recorded On: October 21, 2008 As-Deed

Parties: JORDAN ENTERPRISES 2005 LLC

To ST-STATE OF DELAWARE

of Pages: 4

Comment:

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

Deed		37.00
	# of Pages	3
	# of Parcel IDs	1
Total:		37.00

Realty Tax Information

Affidavit Attached-No		
Frederica		EXEMPT
	Value	2,110,000.00
State of Delaware		0.00
Munic-Frederica		0.00
		0.00

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Kent County,

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Record and Return To:

Document Number: 2008-134514
Receipt Number: 220825
Recorded Date/Time: October 21, 2008 10:38:54A
Book-Vol/Pg: BK-RE VL-4689 PG-23
User / Station: C Yerkes - Cashier 4

PARKOWSKI GUERKE & SWAYZE
116 WEST WATER STREET
DOVER DE 19903



Betty Lou McKenna

Tax Map No.: MD-08-141.00-01-02.00-000
Prepared By and Return To:
Parkowski, Guerke & Swayze, P.A.
P.O. Box 598
Dover, Delaware 19903

Accepted for Filing in:
Kent County
Doc# 134514
On: Oct 21, 2008 at 10:38A

DEED

THIS DEED, Made this 20th day of October, A.D. 2008, by and between:

JORDAN ENTERPRISES (2005) L.L.C., a Delaware limited liability company, of 1164 Apple Grove School Road, Camden-Wyoming, DE 19934 Party of the First Part,

AND

THE STATE OF DELAWARE of P. O. Box 778, Dover, DE 19903, Party of the Second Part,

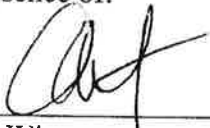
WITNESSETH, that the said party of the first part for and in consideration of the sum of TWO MILLION ONE HUNDRED TEN THOUSAND DOLLARS (\$2,110,000.00) lawful money of the United States of America, the receipt whereof being hereby acknowledged, hereby grants and conveys unto the party of the second part, its successors and assigns,

ALL that piece or parcel of land, situate, lying and being on the westerly side of U.S. Route 113 and being located in Milford Hundred, Kent County, Delaware, as more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

BEING the same lands and premises conveyed unto Jordan Enterprises (2005) L.L.C. by Deed of QWERTYUIOP ASDFGHJKL ZXCVBNM L.L.C., dated May 19, 2005, of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Instrument No. 2005-18447, Volume 2152, Page 261.

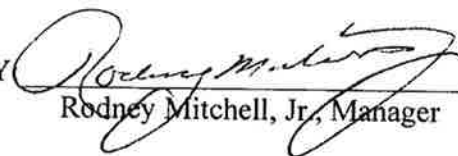
IN WITNESS WHEREOF, JORDAN ENTERPRISES (2005) L.L.C., a Delaware limited liability company, has executed this instrument as of the day and year first above written.

Sealed and Delivered in
the Presence of:



Witness

JORDAN ENTERPRISES (2005) L.L.C.

BY  (SEAL)
Rodney Mitchell, Jr., Manager

STATE OF DELAWARE :
 : SS.:
COUNTY OF KENT :

BE IT REMEMBERED, that on this 20th day of October, A.D. 2008, personally came before me, the Subscriber, a Notary Public for the State of Delaware, Rodney Mitchell, Jr., Manager of JORDAN ENTERPRISES (2005) L.L.C., a Delaware limited liability company, party to this deed, known to me personally to be such, and acknowledges this deed to be his act and deed and the act and deed of said Limited Liability Company that the signature of the Manager is in his own proper handwriting, and that his act of signing, sealing, acknowledging and delivering said deed represents consent by 100% of the members of said Delaware Limited Liability Company.

GIVEN under my Hand and Seal of office, the day and year aforesaid.



Notary Public Signature

Notary Name - Printed or Typed

My Commission Expires: _____

Steven Schwartz
Notary Public
State of Delaware and Co.
My Commission Expires
December 1, 2011

EXHIBIT "A"

July 3, 2007

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the westerly side of U.S. Route 113 and being located in Milford Hundred, Kent County, Delaware, as shown on a plat entitled "Boundary Survey of the lands of Jordan Enterprises (2005), LLC," completed by Davis Bowen & Friedel, Inc., dated July 2007; said piece or parcel being more particularly described as follows:

BEGINNING at an iron pipe found at a point formed by the intersection of westerly right-of-way line of U.S. Route 113, 200 feet wide, with the northwesterly line of lands of, now or formerly, Lloyd F. Arnold & Rodney Mitchell, Jr., as recorded in the Office of the Recorder of Deeds in and for Kent County and the State of Delaware in Deed Book D-655, Page 311;

- 1) Thence, leaving said right-of-way line of U.S. Route 113 and coincident with said Arnold/Mitchell lands, South 73 degrees 40 minutes 24 seconds West 453.98 feet to an iron rod and cap set at a point on the northeasterly line of lands of, now or formerly, Charles H. West Farms, Inc., as recorded in said Office of the Recorder of Deeds in Deed Book Z-29, Page 284, being the centerline of a branch,
- 2) Thence, leaving said Arnold/Mitchell lands and coincident with said West lands, the following 4 tie lines, North 29 degrees 38 minutes 36 seconds West 195.20 feet to an iron rod and cap set at a point,
- 3) Thence, North 38 degrees 00 minutes 36 seconds West 254.40 feet to an iron rod and cap set at a point,
- 4) Thence, North 29 degrees 04 minutes 24 seconds East 436.80 feet to an iron rod and cap set at a point,
- 5) Thence, North 46 degrees 19 minutes 26 seconds East 317.40 feet to an iron rod and cap set at a point on the aforementioned right-of-way line of U.S. Route 113, 200 feet wide,
- 6) Thence, leaving said West lands and coincident with said right-of-way line of U.S. Route 113, South 16 degrees 19 minutes 36 seconds East 878.87 feet to the point and place of beginning; **CONTAINING** 8.59 acres of land.