

City of Milford



AGENDA

Council Meeting

June 27, 2011

Milford City Hall - Joseph Ronnie Rogers Council Chambers - 201 South Walnut Street, Milford, Delaware

PUBLIC HEARINGS-7:00 p.m.

Equitable Owner Two Farms, Incorporated on behalf of Harry H. Mulholland, Trustee of James P. Hammond, III Conditional Use
Tax Map(s): MD-16-183.09-01-01.00; MD-16-183.09-01-02.00; MD-16-183.09-01-03.00
Adoption of Ordinance 2011-11/Conditional Use

Davis, Bowen and Friedel, Incorporated on behalf of Shawnee Farm LLC
Final Major Subdivision of 42.87 +/- acres, known as Cypress Hall Commercial
Tax Map No. 1-30-3.00-261.00

Morris and Ritchie Associates, Incorporated on behalf of Griffin Realty, LLC-Modification of Conditional Use/PUD
Tax Map No(s): 1-30-6.00-108.00, 1-30-3.00-6.00-167.00 thru 1-30-3.00-6.00-550.00; 1-30-3.00-6.00-557.00; 1-30-3.00-6.00-558.00
Adoption of Ordinance 2011-12

Zoning Code Amendment/Outdoor Woodburning Furnaces/Adoption of Ordinance 2011-5

Zoning Code Amendment/Recreational Vehicles/Adoption of Ordinance 2011-6

COUNCIL MEETING

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Recognition

Proclamation 2011-9/Recognizing Olivia "Libby" Schmidt

Communications

Unfinished Business

Economic Development Advisory Panel/Milford Business Attitude Survey

Economic Development Advisory Panel/Vacancy

Adoption of Resolution 2011-8/Hearthstone Manor/Acceptance of Public Improvements

(Phase I, Phase II & Clearview Drive)***

Approval of RFP/Evaluation Services/2012 City of Milford Property Assessment***

New Business

Approval of Audit Engagement Proposal

Introduction of Ordinance 2011-15/Adoption of Southeast Milford Master Plan

Approval of Milford Community Parade Date & Contribution Request

Adoption of Ordinance 2011-16/Sewer/Chapter 185/Extends Impact Fee Exemption

Adoption of Ordinance 2011-17/Water/Chapter 222/Extends Impact Fee Exemption

Adoption of Ordinance 2011-18/Electrical Standards/Chapter 192/Extends Impact Fee Exemption

Adoption of Ordinance 2011-19/Taxation/Chapter 204/Extends Tax Exemption on Property Improvements

Landscape Architectural Services LLC Proposal/DMI Tree and Grate Project

Planning Commission/Vacancy

FY2010-11 Capital Budget Amendment/Transfer/Street Department**

Executive Session-Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation****

Executive Session Matter

Adjourn

WORKSHOP

Call to Order - Mayor Joseph Ronnie Rogers

City of Milford Ward Redistricting/Proposal

Adjourn

SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body's meeting.

City of Milford



PUBLIC NOTICE

CITY COUNCIL HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, June 27, 2011 at 7:00 p.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware to consider final action on the following matter:

Equitable Owner Two Farms, Incorporated on behalf of Harry H. Mulholland, Trustee of James P. Hammond, III for a Conditional Use to allow a Convenience Store with Gas Pumps and Car Wash in a C-3 District on 2.69 +- acres at 601 North DuPont Boulevard, Milford, Delaware. Tax Map(s): MD-16-183.09-01-01.00; MD-16-183.09-01-02.00; MD-16-183.09-01-03.00.

All interested persons are hereby notified to be present and to express their views before a final decision is rendered. Written comments will be accepted up to one week prior to the hearing date.

Please direct all questions or comments to Christine Crouch at 302-424-3712 Extension 308.

By: Terri K. Hudson, CMC
City Clerk

City of Milford



PUBLIC NOTICE

CITY OF MILFORD PLANNING COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the following applicant has filed a land use application with the Planning Department of the City of Milford:

Equitable Owner Two Farms, Incorporated on behalf of Harry H. Mulholland, Trustee of James P. Hammond, III for a Conditional Use to allow a Convenience Store with Gas Pumps and Car Wash in a C-3 District on 2.69 +- acres at 601 North DuPont Boulevard, Milford, Delaware. Tax Map(s): MD-16-183.09-01-01.00; MD-16-183.09-01-02.00; MD-16-183.09-01-03.00.

A Public Hearing is scheduled for Tuesday, May 17, 2011 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

All parties of interest are hereby notified to be present for the review and recommendation by the Planning Commission to City Council. Final action will be taken by City Council.

If unable to attend, written comments will be accepted in advance of the hearing. Anyone with questions or comments should call Christine Crouch at 302-424-3712 extension 308.

By: Terri K. Hudson, CMC
City Clerk



Land Use Application Cover Sheet

File Name: Royal Farms #166
 File Number: 11-166

Date Stamp

Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted if violations exist or if any fees owed the City are delinquent.

Specify Type of Land Use Application to be submitted (check all that apply):

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Preliminary Site Plan | <input type="checkbox"/> Preliminary Major Subdivision | <input type="checkbox"/> Final Minor Subdivision |
| <input type="checkbox"/> Final Site Plan | <input type="checkbox"/> Final Major Subdivision | <input type="checkbox"/> Variance/Appeal |
| <input type="checkbox"/> Change of Zone | <input checked="" type="checkbox"/> Conditional Use | |

Please Type or Print Legibly

| | | | |
|--|-----------|------------|----------------------------|
| Property Owner: Harry H. Mulholland, trustee of James P Hammond, III | | | Phone: |
| Address: 3041 McColley Road | | | Cell: |
| City: Milford | State: DE | Zip: 19963 | Fax: |
| E-Mail: | | | |
| Contact Person, if different: Brandon Kohler | | | Phone: 302-424-1441 |
| Address: 23 North Walnut Street | | | Cell: |
| City: Milford | State: DE | Zip: 19963 | Fax: 302-424-0430 |
| E-Mail: brk@dbfinc.com | | | |
| Applicant: Two Farms Inc. | | | Phone: 302-889-0200 |
| Address: 3611 Roland Avenue | | | Cell: |
| City: Baltimore | State: MD | Zip: 21211 | Fax: |
| E-Mail: | | | |
| Site Address: 601 Dupont Blvd., Milford, DE 19963 | | | Zoning: C-3 |
| Tax Map & Parcel Number (s): MD-16-183.09-01-01.00; -02.00; -03.00 | | | Acreage: 2.69 |
| Description of Proposal: | | | |
| Convenience Store With Gas Pumps and a Car Wash | | | |
| I/We certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my/our knowledge. | | | |
| Signature of Applicant: <u>ON FILE / BC</u> | | | Date: |
| Signature of Property Owner: <u>[Signature]</u> | | | Date: <u>Apr. 14, 2011</u> |



Site Plan Application

File Name: Royal Farms #166
 File Number: 11-166

Date Stamp

Pre Application Conference:

Any property owner or developer seeking to apply for a Site Plan within the City of Milford is strongly encouraged to consult with staff prior to submitting an application in order to become familiar with the requirements of Milford City Code Chapter 230-Zoning.

A Land Use Application for a Site Plan is deemed complete when it is accompanied by the required items identified below. Please be advised that additional information may be required during the review process in order to respond to or resolve particular issues. No application shall be considered complete if any of the required information is missing.

PRELIMINARY APPROVAL

REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. Thirty-eight folded copies of a site plan (5 copies no smaller than 24" x 36" and 33 copies no larger than 11" x 17") showing:
 - A. The name of the site plan or dedication;
 - B. The date, scale, area, certification of the registered surveyor, and north arrow;
 - C. The name and address of the owner(s), developer(s) and any parties of interest;
 - D. The boundary lines, to scale, and actual dimensions of the tract to be platted or dedicated;
 - E. Acreage of the entire site, tax map and parcel number, and existing zoning;
 - F. The proposed building envelope including setbacks for each structure to include front, each side and rear;
 - G. The existing parking and proposed parking, including the calculation for determining the proposed parking;
 - H. The location, width, and designations of all existing and proposed streets, other public ways or easements within or adjacent to the proposed development and all of other existing features such as buildings, utilities, watercourses, and power lines;
 - I. Wetland delineated using the US Army Corps of Engineers Manual, latest edition.
- 3. Application fee.

| For Staff Use ONLY | |
|--------------------|--------|
| Verified | Waived |
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| n/a | |
| ✓ | |

EXTENSION APPROVAL

Prior Approval Dates: _____ Planning Commission

REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. Fifteen folded copies of a site plan (5 copies no smaller than 24" x 36" and 10 copies no larger than 11" x 17") showing:
 - J. The name of the site plan or dedication;
 - K. The date, scale, area, certification of the registered surveyor, and north arrow;
 - L. The current name and address of the owner(s), developer(s) and any parties of interest;
 - M. The boundary lines, to scale, and actual dimensions of the tract to be platted or dedicated;
 - N. Acreage of the entire site, tax map and parcel number, and existing zoning;
 - O. The proposed building envelope including setbacks for each structure to include front, each side and rear;
 - P. The existing parking and proposed parking, including the calculation for determining the proposed parking;

| For Staff Use ONLY | |
|--------------------|--------|
| Verified | Waived |
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April 5, 2011

City of Milford
Planning & Zoning
201 S Walnut Street
Milford, DE 19963

Gerald G. Friedel, P.E.
Michael R. Wigley, AIA
Randy B. Duplechain, P.E.
Charles R. Woodward, Jr., LS
Jo Anne Williams, P.E.
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA

RE: Royal Farms #166
City of Milford
Milford, DE
DBF# 642A063

| | |
|------------------------------------|--|
| Tax Map ID | :MD-16-183.09-01-01.00 |
| | :MD-16-183.09-01-02.00 |
| | :MD-16-183.09-01-03.00 |
| Existing Zoning | :C-3 |
| Proposed Zoning | :C-3 |
| Total Site Area | :2.69 Ac.± |
| Zoning Requirements | |
| Minimum Lot Area | :1.0 Ac.± |
| Maximum Lot Coverage | :80% |
| Minimum Lot Width | :Interior Lot 150'/Corner Lot 170' |
| Maximum Building Height | :35' or Three Stories |
| Setback Requirements | |
| Front Setback | :30' |
| Side Setback | :20'/50' Aggregate Total |
| Rear Setback | :50' |
| Percent Impervious Area | :78% |
| Parking Requirements: | |
| Required: | 1 Per 200 SQ. FT. + 1 For Each 2 Employees = 31 Spaces |
| Parking Provided: | :47 Spaces |
| Fire District | :Carlisle |
| School District | :Milford |
| Levy Court District | :4th |
| Permanent Monuments Found | :2 |
| Permanent Monuments to be Planced: | 7 |
| Vertical Datum | :NAVD 88 |
| Soil Type: | |
| Type: IuB | Name: Ingleside-Urban Land Complex |
| | HSG: B |

Wetlands do not exist on site.
Site does not contain 100 year flood plan based on FEMA Flood Panel 10005C0041J,
Zone X

The proposed project will involve the removal of the existing structures and the existing parking lot. The existing building will be replaced by a Royal Farms Convenience Store, Fuel Pumps, and a Car Wash. The site will be upgraded with ADA compliant sidewalks, landscaping, grassed areas, and more defined entrances for better traffic control entering and exiting the site. Two entrances will be provided off of Route 113 and also one off of Route 14. The Route 113 entrance will consist of rights in and rights out. The Route 14 entrance will provide full access to the site. The proposed site will also provide sufficient storm water treatment to treat the runoff for the redeveloped site. The redeveloped site will also reduce the amount of pervious area by nearly 20 percent increasing the amount of landscaped area and help in the reduction of storm water runoff. The layout of the proposed site does not allow access to the adjoining properties with the use of curbing and also a grass strip or landscaping. The convenience store and fuel pumps are situated parallel to Route 113 with the car wash placed at an angle to allow for better traffic movement through the site.

The proposed site consists of a 5,125 square foot convenience store and 8 fuelling pumps. The site will also have a 1,408 square foot car wash and vacuum islands. The fuel pumps will be supplied by underground storage tanks located on site. The convenience store, car wash and fuel pumps will be open 24 hours a day. There will be a minimum of 3 employees at the convenience store at one time. Parking is provided along three sides of the convenience store and with a small over flow parking area located between the store and the carwash. Two van accessible handicap parking spots are being provided at the front entrance of the store.

§ 230-14. - C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A.** Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B.** Permitted uses. Permitted uses for the C-3 District shall be as follows:
- (1) Those uses permitted in the C-2 District.
 - (2) Warehouses.
 - (3) Large retail outlets.
 - (4) Indoor storage accessory building.
 - (5) Fast-food restaurants and drive-in restaurants.
 - (6) Supermarkets.
 - (7) Truck and trailer rentals.
 - (8) Roadside produce market.
 - (9) Memorial stone shop.
 - (10) Outdoor commercial recreational facilities, not motorized vehicles.
 - (11) Swimming club.
 - (12) Indoor facility for amusement or assembly.
 - (13) Bus station.
- C.** Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

[Amended 10-12-1998 by Ord. No. 10-1998]

- (1) Motels or hotels with a minimum lot size of three acres.
- (2) Commercial greenhouse.
- (3) Wholesale establishment.
- (4) Newspaper publishing or printing establishment.
- (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
- (6) Laboratory, testing and research.
- (7) Car repair shops.
- (8) Used car lots.
- (9) Telephone central office or television cable central office.
- (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
 - (a) All facilities shall be located and all services shall be conducted on the lot.
 - (b) All repair work shall be conducted within an entirely enclosed building.
 - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.
 - (d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
 - (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
 - (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
- (11) Shopping center, subject to site plan review and the following site requirements:
 - (a) The total shall not be less than one acre.
 - (b) The site must be served by public water, sewer and electricity.
 - (c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.
 - (d) Traffic and parking.
 - [1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.
 - [2] Access to state highways shall be controlled by the State Department of Transportation.
 - [3] The minimum distance between accessways and a residential district shall be 50 feet.
 - [4] Spacing of accessway.
 - [a] From adjoining property: 50 feet.
 - [b] From minor intersections: 50 feet.
 - [c] From major intersections: 100 to 150 feet.
 - [5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.

- (e)** **[6]** Parking lots shall be attractively landscaped as shown on the general site plan.
Setback.
 - [1]** From street right-of-way: 15 feet.
 - [2]** From nonresidential districts: 15 feet.
 - [3]** From residential districts: 100 feet.
- (f)** Buffering and landscaping.
 - [1]** There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.
 - [2]** Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.

(12) Day-care centers, with site plan required.

[Added 10-14-1991]

(13) Car wash, all types (staffed, automatic, self-service, etc.).

[Added 6-14-1993]

(14) Convenience stores with gas pumps.

(15) Community residential treatment program.

[Added 9-13-1999 by Ord. No. 6-1999]

(16) All dwellings other than single-family with a maximum density of 12 units per acre.

(17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

- (a)** Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.

(4) Height of buildings shall not exceed three stories or 35 feet.

(5) Minimum building setback shall be 30 feet.

(6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.

(7) Minimum rear yard shall be 50 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Signs shall comply with the requirements provided in Article VI of this chapter.

[Ord. No. 2008-18, § 3, 8-24-2009; Ord. No. 2009-22, § 2, 9-27-2010]

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> [Chapter 230 - ZONING >>](#)
[ARTICLE IV - Off-Street Parking and Loading >>](#)

ARTICLE IV - Off-Street Parking and Loading

[§ 230-20. - General provisions.](#)

[§ 230-21. - Parking and loading standards.](#)

§ 230-20. - General provisions.

- A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:
- (1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
 - (2) Be attractively landscaped and screened from neighboring residential lots.
 - (3) Not extend into any required front yard areas, except for the driveways.
 - (4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.
- B. Parking space size. A parking space shall not be less than 200 square feet, with a minimum of 10 feet wide, for any use permitted in this chapter. Upon appeal, however, the Board of Adjustment may grant variances from this size if a particular hardship will occur or if the design of a parking arrangement may be determined to justify a smaller parking space size than is provided for in this article.
- C. Parking spaces in driveways. Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.
- D. Location of parking spaces. All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.
- E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:
- (1) North Walnut Street and Northeast Front Street.
 - (2) Park Avenue and Northeast Front Street and Denney Row.
 - (3) Park Avenue and North Washington Street.
 - (4) Southeast Front Street between South Walnut Street and Church Street.
 - (5) Southeast Front Street and South Washington Street.
- G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile.
- J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

§ 230-21. - Parking and loading standards.

- A. Design standards (general).
[Amended 12-14-1992]

- (1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:
[Amended 10-12-1998 by Ord. No. 10-1998]

| Parking Angle | Stall Width (feet) | Aisle Way to Curb (feet) | Aisle Way Width |
|---------------|--------------------|--------------------------|-----------------------------------|
| 90° | 9 | 18 | As required by State Fire Marshal |
| 60° | 9 | 20 | As required by State Fire Marshal |
| 45° | 9 | 18 | As required by State Fire Marshal |
| Parallel | 10 | 20 | As required by State Fire Marshal |

- (2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).
- (3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.
- (4) Exceptions to the design standards shall be permitted as follows.
- B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

| Types and Uses | Required Off-Street Parking Spaces |
|--|--|
| Retail stores and shops, all types, supermarkets, retail food stores and undertakers | 1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees |
| New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions | 4 per salesperson, plus 1 per per 2 employees during the period of greatest employment |
| Personal service establishments, laundromats and dry cleaning | 1 per 200 square feet of gross floor area |
| Banks and other financial institutions | 1 per 200 square feet of gross floor area, plus 1 for each employee |
| Business, governmental and professional offices | 1 per 100 square feet of gross floor area |
| Medical and dental offices or clinics [Amended 7-14-1997] | From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics |
| Hospitals | 1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment |
| Sanatorium or nursing home | 1 for every 4 beds |
| Churches and other places of worship | 1 per 5 seats |
| Indoor and commercial outdoor recreation | 1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility |
| Restaurants, taverns and similar uses | 1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment |
| Dwelling, one-family detached, semidetached or mobile home | 2 1/2 per dwelling unit |
| Dwelling, townhouse, garden apartment or multifamily dwelling | 2 1/2 per dwelling unit |
| Rooming and boarding house or converted unit | 1 per rented unit |
| Museum, art gallery and similar use | 1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment |
| Public library | 1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment |
| Fire station | 25 |
| Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center | 1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the |

| | |
|--|--|
| | accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility |
| Social club and fraternal, social service, union and civic organization building | 1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses |
| Public or private school | 3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public |
| Industrial, manufacturing or wholesaling establishment | 1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales |
| Hotel and motel | 1 for each guest room plus 1 for each 3 employees |

- (1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space. The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

- (1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:
- (a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:
- [1] Five thousand to 7,999 square feet of floor area: one berth.
[Amended 10-12-1998 by Ord. No. 10-1998]
- [2] Eight thousand to 19,999 square feet of floor area: two berths.
[Amended 10-12-1998 by Ord. No. 10-1998]
- [3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.
- (b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:
- [1] Eight thousand to 20,000 square feet of floor area: one berth.
[2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.
- (c) Each manufacturing, office research and industrial establishment with a total of 3,500 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.
- (2) Loading spaces shall not be allowed in any front yard of any property.
[Ord. No. 2010-14, § 2, 9-27-2010]

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 230 - ZONING** >>
ARTICLE V - Landscape Screening >>

ARTICLE V - Landscape Screening

§ 230-22. - District requirements.

§ 230-23. - Maintenance.

§ 230-22. - District requirements.

- A. Residential districts.**
- (1) In any R-1, R-2 or R-3 District a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
 - (2) In any R-3 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.
- B. Commercial districts.** In any C-1, C-2 or C-3 District a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2 or R-3 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.
- C. Institutional, Industrial and Office Building/Complex Districts: H-1, I-1, I-2, OB-1 and OC-1.**⁴ [\[34\]](#)
- (1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.
 - (2) Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.
- D. Limited Industrial District.** At the boundary line between an I-1 District and any R-1, R-2 or R-3 District or any lot developed or approved for development for residential use, there shall be a fifty-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.⁵ [\[35\]](#)

§ 230-23. - Maintenance.

It shall be the responsibility of the property owner of record or his delegated representative(s) to properly maintain and care for any landscape plan planted or erected.

FOOTNOTE(S):

⁽³⁴⁾ *Editor's note*— 4. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* [\(Back\)](#)

⁽³⁵⁾ *Editor's note*— 5. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).* [\(Back\)](#)

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> [Chapter 230 - ZONING](#) >> [ARTICLE IX - Conditional Uses](#) >>

ARTICLE IX - Conditional Uses

[§ 230-46. - Purpose.](#)

[§ 230-47. - Application and approval procedures.](#)

[§ 230-48. - Criteria for evaluation.](#)

[§ 230-48.1. - Criteria for planned unit residential development.](#)

[§ 230-49. - Conditions for approval; expiration.](#)

§ 230-46. - Purpose.

- A.** The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.
- B.** Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. - Application and approval procedures.

- A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.
- B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.
- C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

§ 230-48. - Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-48.1. - Criteria for planned unit residential development.

[Added 6-11-2001 by Ord. No. 4-2001; amended 10-25-2004 by Ord. No. 2004-9]

- A. Permitted uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.
- B. Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.
- C. Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.
- D. Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.
- E. A planned unit residential development shall be subject to the same review procedures as for a major subdivision as provided in [Chapter 200](#), Subdivision of Land.

[Added 5-22-2006 by Ord. No. 2006-2]

- F. Neighborhood commercial.

[Added 11-27-2006 by Ord. No. 2006-15]

- (1) Permitted neighborhood commercial uses. The following neighborhood commercial uses are permitted in a planned unit development:
 - (a) Retail goods and services.
 - (b) Child-care center (care for fewer than 24 children).
 - (c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).
 - (d) Medical and dental offices, clinics, and laboratories.
 - (e) Professional and administrative offices.
 - (f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)
 - (g) Mixed use building (residential, including rentals, with other permitted use).
 - (h) Laundromats or dry cleaners.
 - (i) Art, music, or photography studio.
 - (j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).
 - (k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).
- (2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.
- (3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m.
- (4) Storage. Except for plants and garden supplies, overnight storage is not permitted.
- (5)

Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 50% of the spaces required for standard commercial space.

- (6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.
 - (7) Density. The overall density otherwise permitted under planned unit development shall be reduced at the rate of one dwelling unit per 3,000 square feet of commercial floor space.
- G. A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement - 50% of the required open space shall be set aside for recreational use.

[Ord. No. 2009-17, § 5, 4-26-2010]

§ 230-49. - Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in [§ 230-48](#) and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
[Amended 5-11-1998 by Ord. No. 4-1998]
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> [Chapter 230 - ZONING](#) >>
[ARTICLE X - Site Plan Review](#) >>

ARTICLE X - Site Plan Review

[§ 230-50. - Purpose.](#)

[§ 230-51. - Guidelines.](#)

[§ 230-52. - Review procedure.](#)

[§ 230-52.1. - Site plan expiration.](#)

§ 230-50. - Purpose.

[Amended 9-8-2008 by Ord. No. 2008-13]

The site plan review has a twofold purpose. It is to assure that the large-scale developments are in accord with the Comprehensive Plan and that such developments comply with the regulations of this chapter. Site plans are required to assure good arrangement and appearance of new development; ensure harmony with existing structures; assure consistency with the City's adopted building and design standards, the Comprehensive Plan, and the City's Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design; to provide an understanding of the impacts of proposed development on public facilities and services and ensure the availability and adequacy of the same; and to otherwise meet the purposes of this chapter.

§ 230-51. - Guidelines.

Guidelines for determining what site plans shall be reviewed by the Planning Commission shall be as follows:

- A. Automatic determination of review. Certain types of developments, due to the nature of their impact on the entire community, shall automatically have their site plans reviewed by the Planning Commission, including the following:
 - (1) Residential:
 - (a) Townhouses.
 - (b) Garden apartments.
 - (c) Planned unit developments.
 - (d) Mobile home parks.

- (2) Commercial: shopping centers.
 - (3) Institutional: hospitals.
 - (4) Industrial: all industrial developments.
- B.** Discretionary determination of a review. The Code Official shall have discretion in determining what proposed developments other than those enumerated above shall have their site plans reviewed by the Planning Commission. When making such a decision, the Code Official shall consider but not be limited to the following factors:
- (1) If the traffic flow will be greatly altered. Flow includes:
 - (a) Pattern.
 - (b) Volume.
 - (c) Hazard involved.
 - (d) Time involved.
 - (2) If parking on a large scale is required.
 - (3) If public utilities or works must be expanded to accommodate the development.
 - (4) If there is a change in the existing land use pattern.
 - (5) If there are incompatible uses within the proposed development or in relation to the abutting districts.
 - (6) If there may be difficulty in meeting existing performance standards.

§ 230-52. - Review procedure.

[Amended 9-8-2008 by Ord. No. 2008-13]

- A.** Preliminary approval.
- (1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in [§ 230-57](#)
 - (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.
 - (3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
 - (4) Preliminary approval from the Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.
- B.** Final approval.
- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in [§ 230-57](#)
 - (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed consistent with the preliminary plan, if applicable, and in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.
 - (3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
 - (4) Within 90 days of final approval from Planning Commission, the applicant shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Three sets will be returned to the applicant.
 - (5) Upon recordation of the plat, the applicant shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
 - (6) Failure to record the plat within 90 days of Planning Commission approval will result in the approval being voided.
- C.** The site plan review by the Planning Commission shall be limited to those proposed developments enumerated by this chapter and to those proposed developments that require a site plan review as determined by the City Planner. No other site plans shall be considered by the Planning Commission for review.
- D.** Prior to the Planning Commission holding a public hearing to review the application for the site plan, the City Engineer shall provide a copy of the signed subdivision agreement to the City Planner.

§ 230-52.1. - Site plan expiration.

[Added 9-8-2008 by Ord. No. 2008-13]

If construction of approved buildings and improvements is not substantially undertaken within one year of final site plan approval, the site plan approval shall be void. The applicant may, however, request and the Planning Commission may grant a one-year extension for good cause.

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC11-011

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE FOR
THE APPROVAL OF A PRELIMINARY SITE PLAN FOR
HARRY H. MULHOLLAND, TRUSTEE OF JAMES P. HAMMOND III
AT 601 N DUPONT BLVD
FOR A 5,125 SQ FT CONVENIENCE STORE AND 1,408 CARWASH
IN A C-3 ZONING DISTRICT
TAX MAP MD-16-183.09-01-01.00; -02.00; -03.00; 2.69+/- ACRES**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on May 15, 2011; and,

WHEREAS, by a vote of _____ approved of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has approved the application with the following recommendations:

1.

APPROVED: _____
Charles Rini,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Planning Commission Rec Secretary

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC11-010

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF
MILFORD**

**THE APPROVAL OF A CONDITIONAL USE FOR
HARRY H. MULHOLLAND, TRUSTEE OF JAMES P. HAMMOND III
AT 601 N DUPONT BLVD
FOR A 5,125 SQ FT CONVENIENCE STORE AND 1,408 CARWASH
IN A C-3 ZONING DISTRICT
TAX MAP MD-16-183.09-01-01.00; -02.00; -03.00; 2.69+/- ACRES**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on May 17, 2011; and,

WHEREAS, by a vote of recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following conditions:

1.

APPROVED: _____
Charles Rini,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Planning Commission Rec Secretary

ROYAL FARMS RF# 166

PRELIMINARY SITE PLAN

CITY OF MILFORD

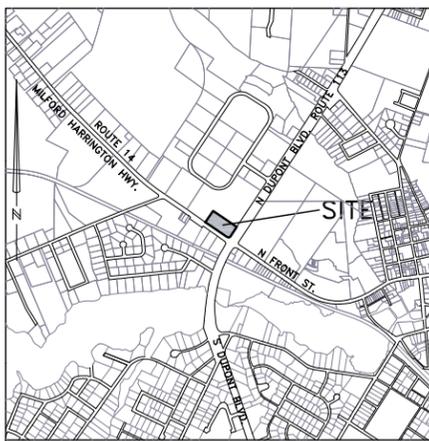
KENT COUNTY, DELAWARE

DBF # 642A063

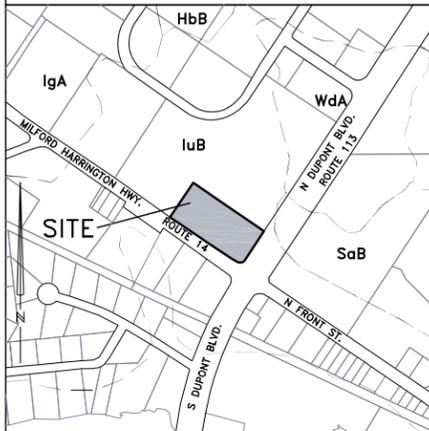
MARCH, 2011

GENERAL NOTES:

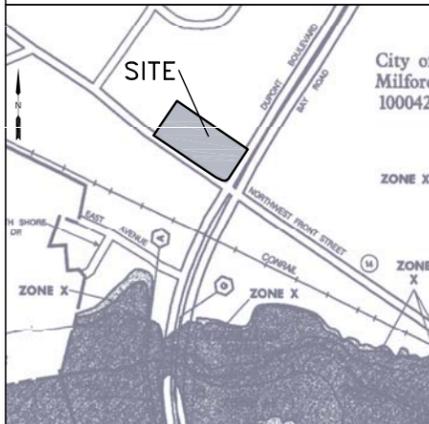
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL WORK MUST BE PERFORMED IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- TOPOGRAPHIC & BOUNDARY SURVEY PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC. MILFORD, DELAWARE.
- THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES AND RIGHT OF WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED IF HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO THE CITY OF MILFORD.
- FINAL SET OF APPROVED CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE AT ALL TIMES. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
- THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
- THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. STEEL PLATES SHALL BE USED ON ANY TRENCH OR ACCESS PITS WHICH MUST REMAIN OPEN OVERNIGHT. THIS REQUIREMENT DOES NOT APPLY TO AREAS COMPLETELY CLOSED AND SECURE FROM VEHICULAR OR PEDESTRIAN TRAFFIC.
- ALL UTILITY MATERIALS, INSTALLATION, TESTING AND INSPECTION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MILFORD "STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN", LATEST EDITION.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL MATERIALS FOR APPROVAL TO THE CITY OF MILFORD AND OWNER'S ENGINEER, PRIOR TO COMMENCEMENT OF CONSTRUCTION. MATERIALS ORDERED AND INSTALLED PRIOR TO REVIEW AND ACCEPTANCE WILL BE AT THE CONTRACTOR'S RISK.
- THE CONTRACTOR SHALL USE ONLY NEW MATERIALS, PARTS, AND PRODUCTS. ALL MATERIALS SHALL BE STORED SO AS TO ASSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE INTENDED WORK.
- ROUTINE PERIODIC INSPECTIONS DURING CONSTRUCTION WILL BE PROVIDED BY THE OWNER AND THE CITY. THESE INSPECTIONS DO NOT RELIEVE THE CONTRACTOR FROM HIS OBLIGATION AND RESPONSIBILITY FOR CONSTRUCTING ALL WORK IN STRICT ACCORDANCE WITH ALL STANDARDS AND SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS AND ORDERS OF ANY PUBLIC BODY HAVING JURISDICTION. THE CONTRACTOR SHALL ERRECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING, TWO (2) WEEKS PRIOR TO THE START OF CONSTRUCTION:
 - CITY OF MILFORD PUBLIC WORKS DEPARTMENT
 - CITY OF MILFORD ELECTRIC DEPARTMENT
 - KENT COUNTY CONSERVATION DISTRICT
 - DAIDOT
 - DAVIS, BOWEN, & FRIEDEL INC.
- THE CONTRACTOR SHALL PROVIDE SEDIMENT CONTROL MEASURES TO PROTECT STOCKPILE AREAS AND STORAGE AREAS. ALL AREAS USED BY THE CONTRACTOR FOR STAGING OPERATIONS SHALL BE FULLY RESTORED BY THE CONTRACTOR UPON COMPLETION OF THE PROJECT. IF THE STAGING AREA IS PAVED, IT SHALL BE RESTORED TO ITS ORIGINAL CONDITION. IF THE STAGING AREA IS UNPAVED, IT SHALL BE RE-GRADED, TOPSOILED, SEEDED AND MULCHED TO THE SATISFACTION OF THE ENGINEER. ALL COSTS ASSOCIATED WITH RESTORATION OF THE STAGING AREA SHALL BE AT THE CONTRACTOR'S EXPENSE. IF THE ENGINEER DETERMINES THAT A SATISFACTORY STAND OF GRASS DOES NOT EXIST AT THE TIME OF FINAL INSPECTION, ALL COSTS ASSOCIATED WITH RE-ESTABLISHING A SATISFACTORY STAND OF GRASS SHALL BE AT THE CONTRACTOR'S EXPENSE.
- EQUIPMENT AND/OR STOCKPILE MATERIAL SHALL NOT BE STORED IN THE DRIPLINE AREA OF ANY TREE.
- THE CONTRACTOR SHALL PROVIDE TEMPORARY SEED AND MULCH FOR ALL AREAS WHERE SOIL IS EXPOSED AND SILT FENCE IS NOT SPECIFIED, BY THE CLOSE OF EACH BUSINESS DAY.
- THE CONTRACTOR SHALL MAINTAIN PUBLIC ROADS AND STREETS IN A BROOM SWEEP CONDITION AT ALL TIMES.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATION SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE.
- WETLANDS DO NOT EXIST ON SITE.



LOCATION MAP SCALE: 1"=1500'



SOILS MAP SCALE: 1"=500'



FLOODPLAIN SCALE 1"=500'
MAP PANEL: 10005C0037J ZONE: X DATED: JAN 6, 2005

DATA COLUMN

| | |
|--|--|
| TAX MAP ID | :MD-16-183.09-01-01.00 |
| | :MD-16-183.09-01-02.00 |
| | :MD-16-183.09-01-03.00 |
| EXISTING ZONING | :C-3 |
| TOTAL SITE AREA | :2.69 Ac.± |
| ZONING REQUIREMENTS | |
| MINIMUM LOT AREA | :1.0 Ac.± |
| MAXIMUM LOT COVERAGE | :80% |
| MINIMUM LOT WIDTH | :INTERIOR LOT 150'/CORNER LOT 170' |
| MAXIMUM BUILDING HEIGHT | :35' OR THREE STORIES |
| SETBACK REQUIREMENTS | |
| FRONT SETBACK | :30' |
| SIDE SETBACK | :20'/50' AGGREGATE TOTAL |
| REAR SETBACK | :50' |
| PERCENT IMPERVIOUS AREA | :73% |
| PARKING REQUIREMENTS: | |
| ROYAL FARMS | |
| REQUIRED: | 1 PER 200 SQ. FT. + 1 FOR EACH 2 EMPLOYEES = 31 SPACES |
| PARKING PROVIDED: | :41 SPACES |
| FIRE DISTRICT | :CARLISLE |
| SCHOOL DISTRICT | :MILFORD |
| LEVY COURT DISTRICT | :4TH |
| PERMANENT MONUMENTS FOUND | :2 |
| PERMANENT MONUMENTS TO BE PLACED | :7 |
| VERTICAL DATUM | :NAVD 88 |
| SOIL TYPE: | |
| TYPE: | luB NAME: INGLESIDE-URBAN LAND COMPLEX HSG: B |
| WETLANDS DO NOT EXIST ON SITE. | |
| SITE DOES NOT CONTAIN 100-YR FLOOD PLAIN BASED ON FEMA FLOOD PANEL 10005C0041J, ZONE X | |

OWNER
HARRY H. MULHOLLAND, TRUSTEE TO
JAMES P. HAMMOND, III
3041 MCCOLLEY ROAD
MILFORD, DE 19963

DEVELOPER
TWO FARMS, INC.
JOHN KEMP, PRESIDENT
3611 ROLAND AVENUE
BALTIMORE, MD 21211
P: 410-889-0200

ENGINEER/SURVEYOR
DAVIS, BOWEN & FRIEDEL, INC.
23 NORTH WALNUT STREET
MILFORD, DELAWARE 19963
P: 302-424-1441
F: 302-424-0430

ENGINEER'S STATEMENT

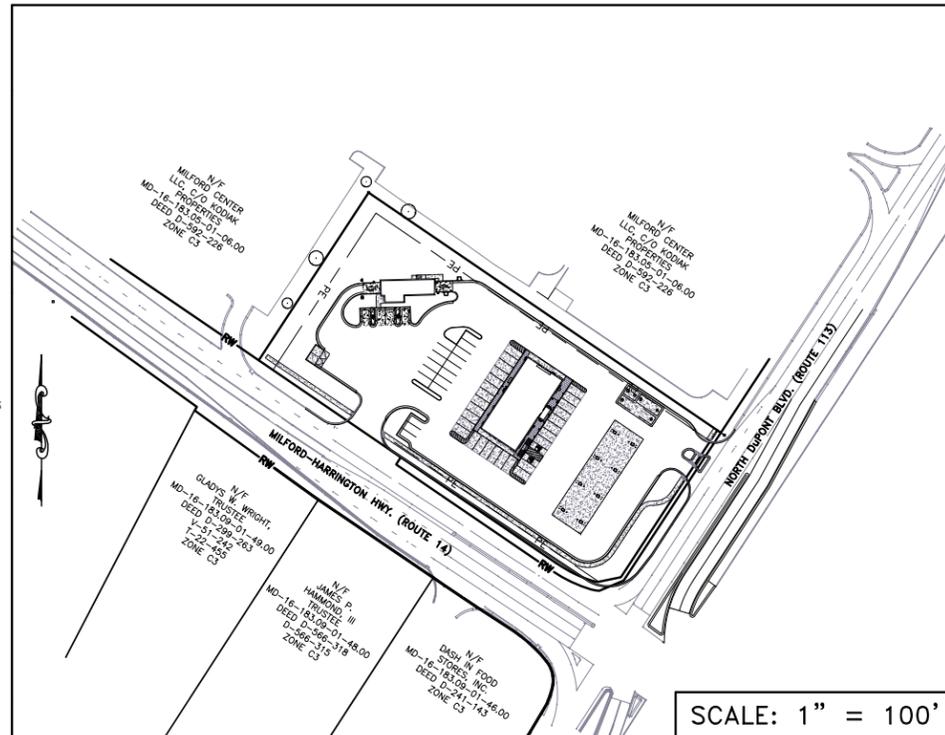
I, W. ZACHARY CROUCH, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC. DATE
by W. ZACHARY CROUCH, P.E.

EQUITABLE OWNER'S CERTIFICATION

I, JOHN M. KEMP/PRESIDENT OF TWO FARMS, INC., CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION, AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN, AND THAT RESPONSIBLE PERSONNEL INVOLVED IN THE LAND DISTURBANCE WILL HAVE CERTIFICATION TRAINING AT A DEPARTMENTAL SPONSORED OR APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT CONTROL BEFORE INITIATION OF THE PROJECT. THE DEPARTMENT OR DELEGATED INSPECTION AGENCY HAS THE RIGHT TO CONDUCT ON-SITE INSPECTIONS.

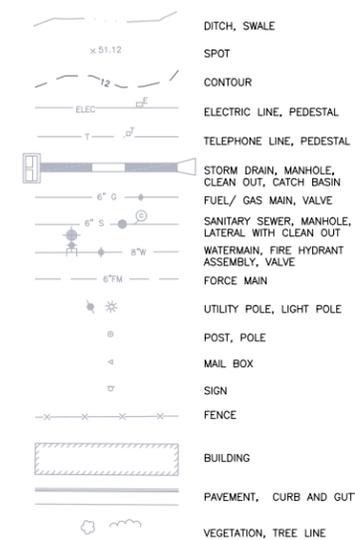
JOHN M. KEMP/PRESIDENT DATE
TWO FARMS, INC.
3611 ROLAND AVE.
BALTIMORE, MD 21211
(410) 889-0200
(410) 889-8484 (FAX)



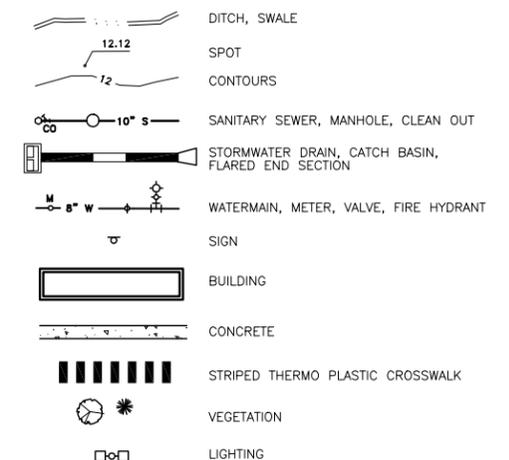
INDEX OF DRAWINGS:

- TITLE SHEET
- EXISTING CONDITIONS
- SITE PLAN
- LANDSCAPE PLAN

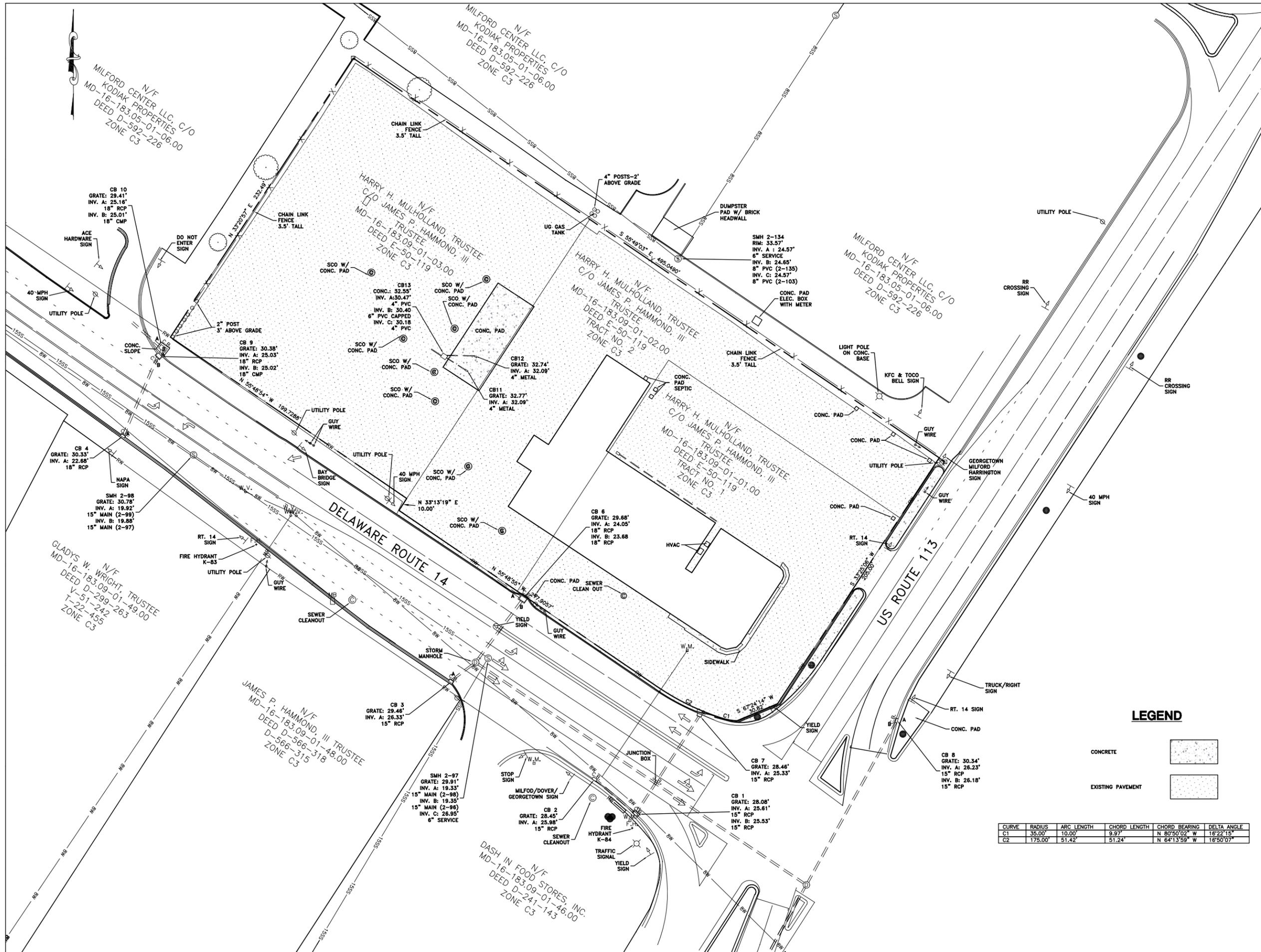
EXISTING:



PROPOSED:



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441



LEGEND



| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| C1 | 35.00' | 10.00' | 9.97' | N 80°50'02" W | 16°22'15" |
| C2 | 175.00' | 51.42' | 51.24' | N 64°13'59" W | 16°50'07" |

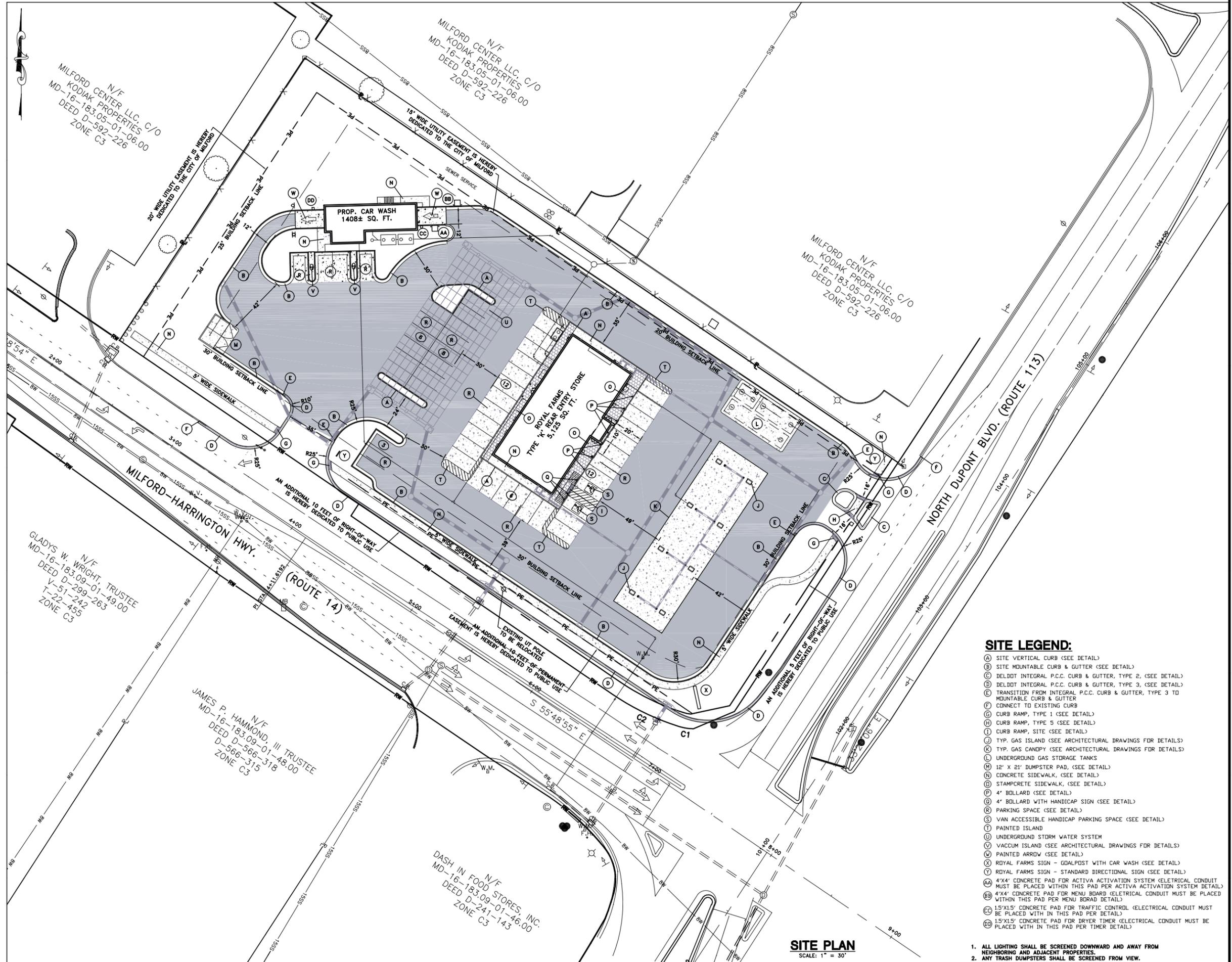
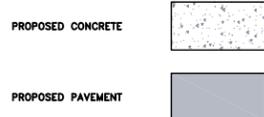
DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS

 SALISBURY, MARYLAND (410) 543-9091
 MILFORD, DELAWARE (302) 424-1441

ROYAL FARMS RF #166
CITY OF MILFORD
KENT COUNTY, DELAWARE

Date: JANUARY 2011
 Scale: 1" = 30'
 Dwn.By: BRK
 Proj.No.: 642A063
 Dwg.No.:

LEGEND



MILFORD CENTER LLC, C/O
KODIAK PROPERTIES
MD-16-183.05-01-06.00
DEED D-592-226
ZONE C3

MILFORD CENTER LLC, C/O
KODIAK PROPERTIES
MD-16-183.05-01-06.00
DEED D-592-226
ZONE C3

MILFORD CENTER LLC, C/O
KODIAK PROPERTIES
MD-16-183.05-01-06.00
DEED D-592-226
ZONE C3

GLADYS W. WRIGHT, TRUSTEE
MD-16-183.09-01-49.00
DEED D-299-263
V-51-242
T-22-455
ZONE C3

JAMES P. HAMMOND, III TRUSTEE
MD-16-183.09-01-48.00
DEED D-566-318
D-566-315
ZONE C3

DASH IN FOOD STORES, INC.
MD-16-183.09-01-46.00
DEED D-241-143
ZONE C3

SITE PLAN
SCALE: 1" = 30'

SITE LEGEND:

- (A) SITE VERTICAL CURB (SEE DETAIL)
- (B) SITE MOUNTABLE CURB & GUTTER (SEE DETAIL)
- (C) DELDOT INTEGRAL P.C.C. CURB & GUTTER, TYPE 2. (SEE DETAIL)
- (D) DELDOT INTEGRAL P.C.C. CURB & GUTTER, TYPE 3. (SEE DETAIL)
- (E) TRANSITION FROM INTEGRAL P.C.C. CURB & GUTTER, TYPE 3 TO MOUNTABLE CURB & GUTTER
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- (P) 4" BOLLARD (SEE DETAIL)
- (Q) 4" BOLLARD WITH HANDICAP SIGN (SEE DETAIL)
- (R) PARKING SPACE (SEE DETAIL)
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1. ALL LIGHTING SHALL BE SCREENED DOWNWARD AND AWAY FROM NEIGHBORING AND ADJACENT PROPERTIES.
2. ANY TRASH DUMPSTERS SHALL BE SCREENED FROM VIEW.

dbf
DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

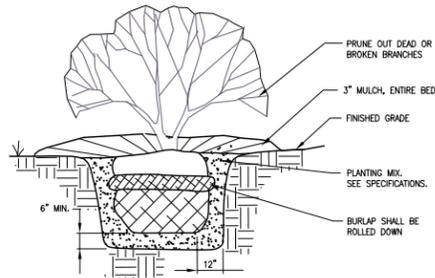
ROYAL FARMS RF #166
CITY OF MILFORD
KENT COUNTY, DELAWARE

REVISIONS:

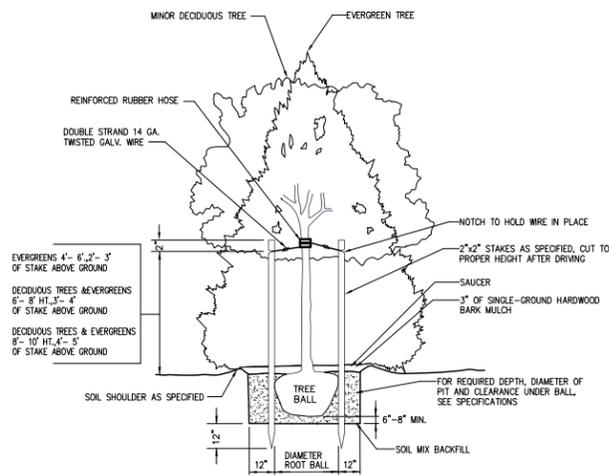
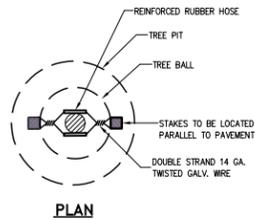
Date: **NOVEMBER 2010**
Scale: **1" = 30'**
Dwn.By: **BRK**
Proj.No.: **642A063**
Dwg.No.: **3**

GENERAL LANDSCAPE NOTES

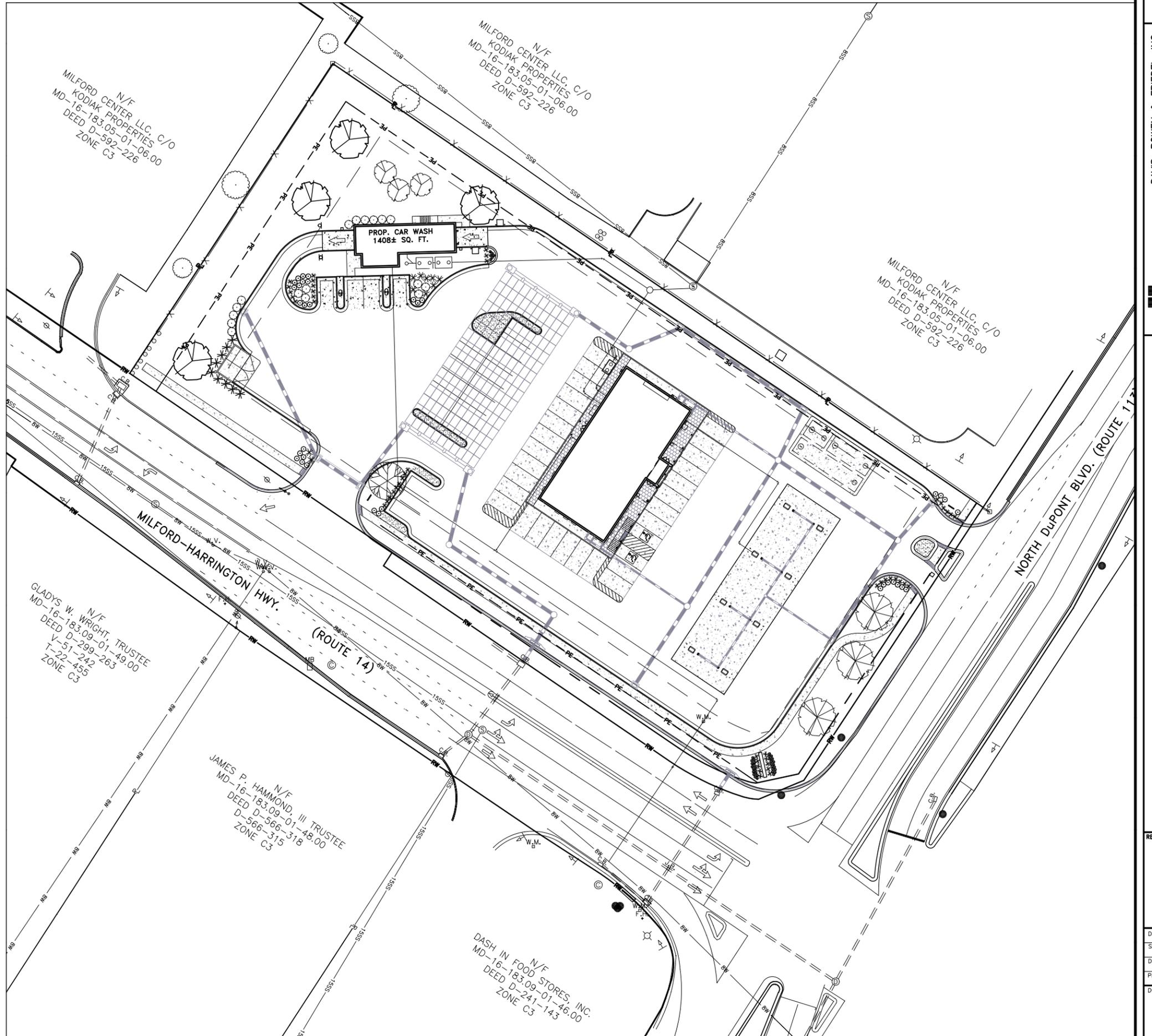
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SHRUB PLANTING DETAIL
NO SCALE



STAKING DETAIL
NO SCALE



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
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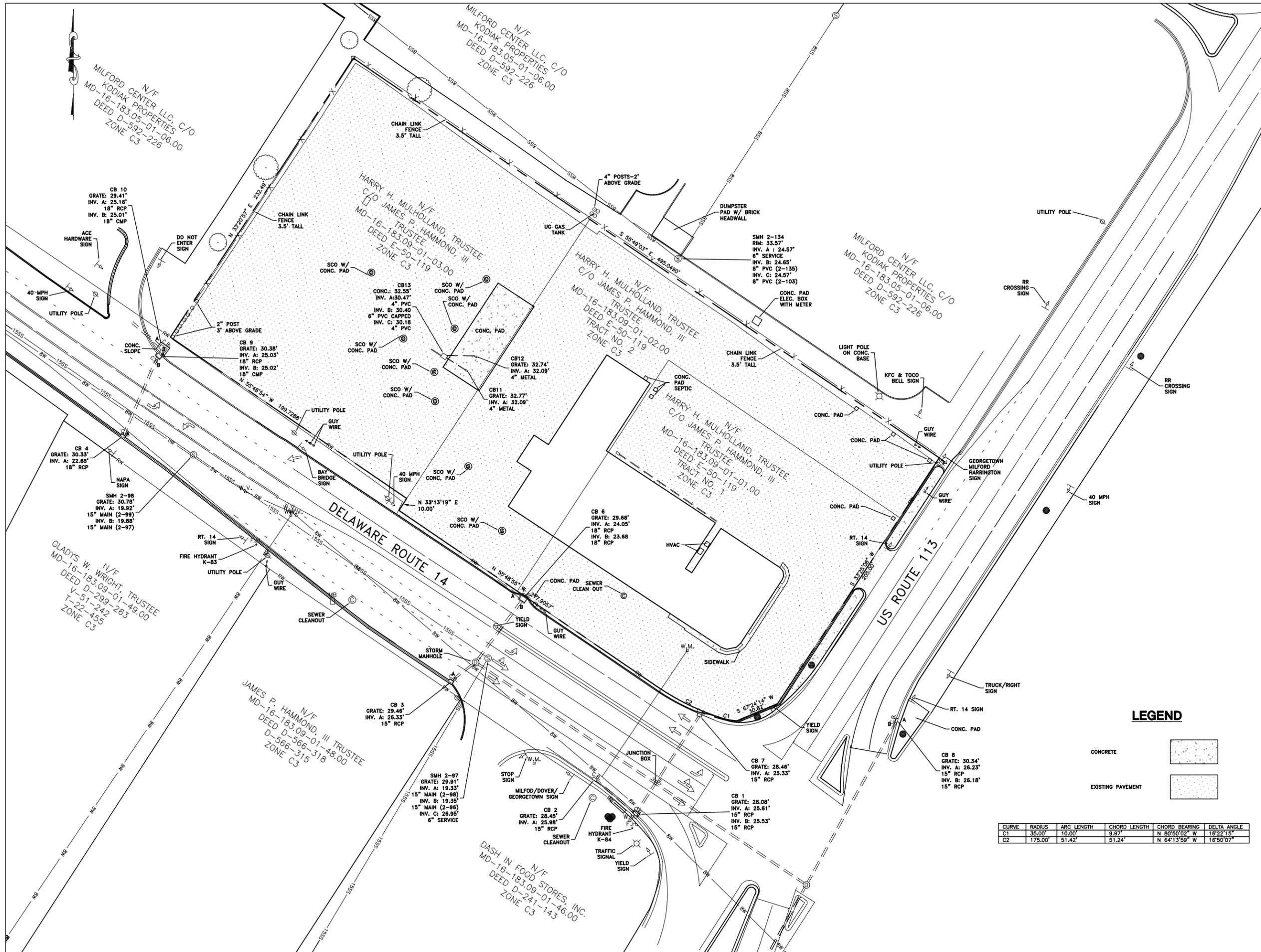


LANDSCAPE PLAN

ROYAL FARMS RF #166
CITY OF MILFORD
KENT COUNTY, DELAWARE

REVISIONS:

Date: **NOVEMBER 2010**
Scale: **1" = 30'**
Dwn.By: **BRK**
Proj.No.: **642A063**
Dwg.No.:



LEGEND



| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
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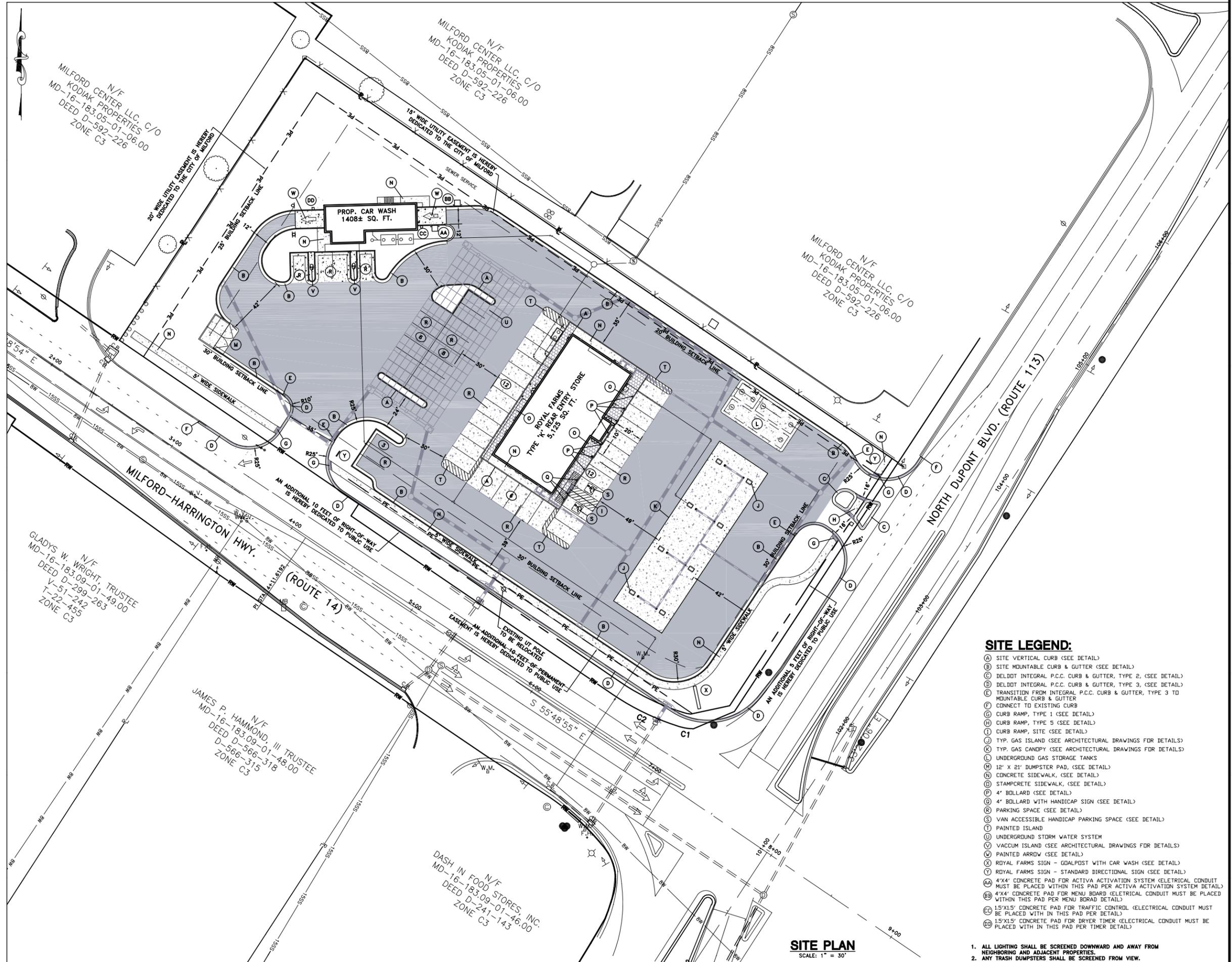
DAVIS, BOWEN & FRIEDEL, INC.
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 SALISBURY, MARYLAND (410) 543-9091
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ROYAL FARMS RF #166
CITY OF MILFORD
KENT COUNTY, DELAWARE

Date: JANUARY 2011
 Scale: 1" = 30'
 Dwn.By: BRK
 Proj.No.: 642A063
 Dwg.No.:

LEGEND

- PROPOSED CONCRETE 
- PROPOSED PAVEMENT 



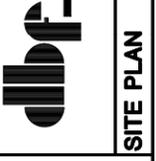
SITE PLAN
SCALE: 1" = 30'

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DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
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SITE PLAN

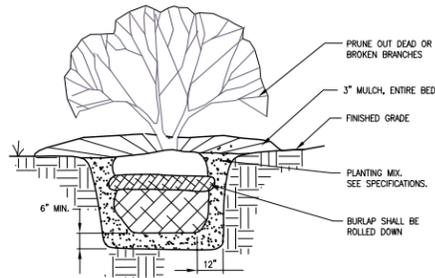
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REVISIONS:

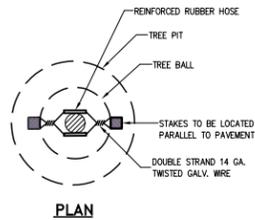
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| Date: | NOVEMBER 2010 |
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GENERAL LANDSCAPE NOTES

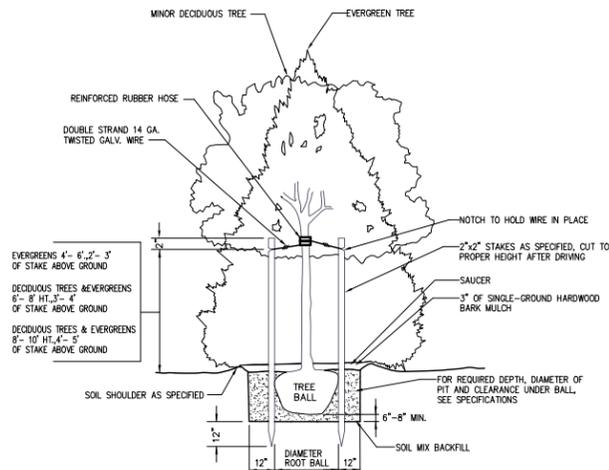
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SHRUB PLANTING DETAIL
NO SCALE

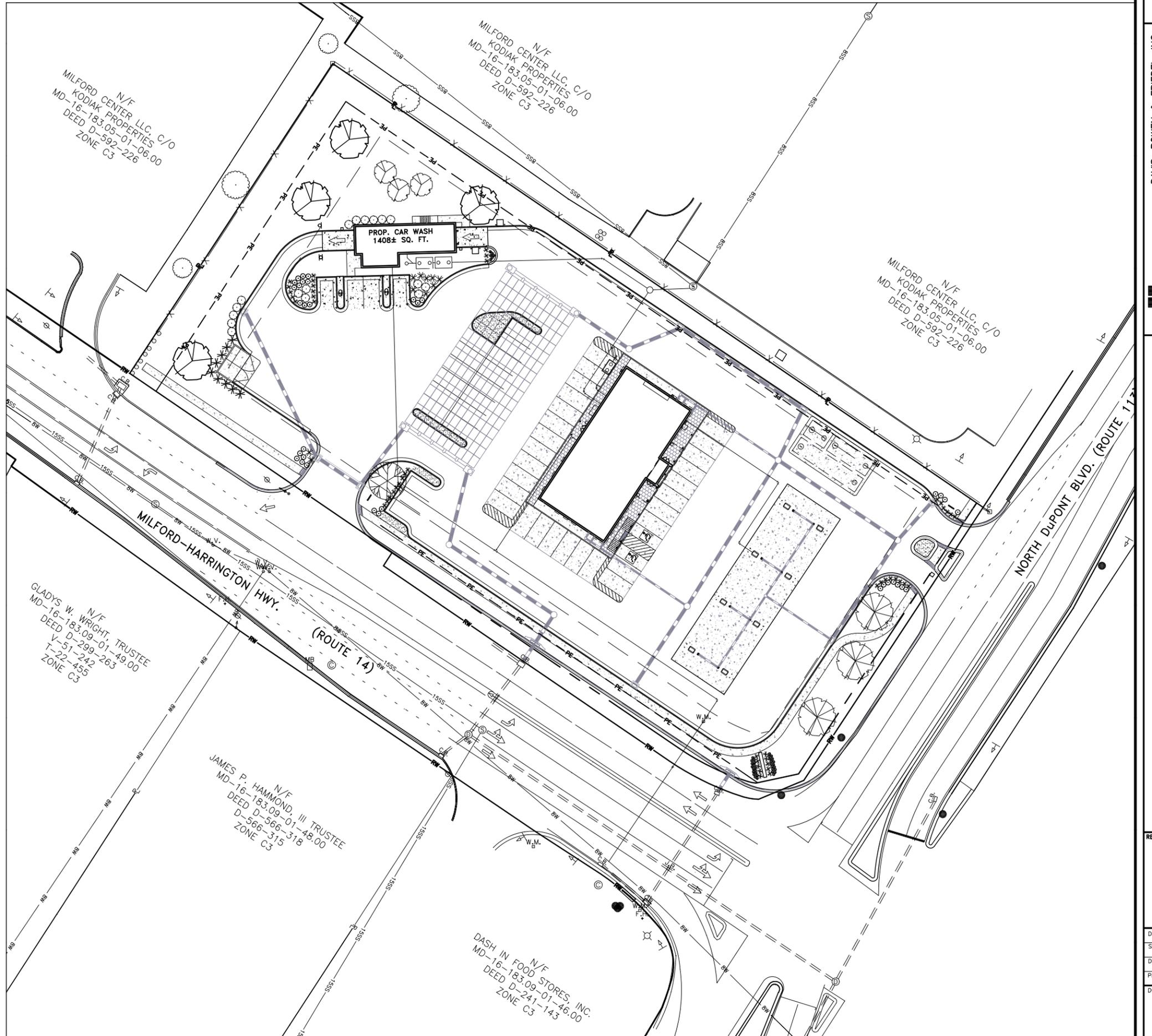


PLAN



SECTION

STAKING DETAIL
NO SCALE



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
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LANDSCAPE PLAN

ROYAL FARMS RF #166
CITY OF MILFORD
KENT COUNTY, DELAWARE

REVISIONS:

Date: **NOVEMBER 2010**
Scale: **1" = 30'**
Dwn.By: **BRK**
Proj.No.: **642A063**
Dwg.No.:

PUBLIC NOTICE

Notice is hereby given the following ordinance is under review by the Milford Planning Commission and Milford City Council for adoption as so noted:

Ordinance 2011-11

Conditional Use-Two Farms, Incorporated on behalf of Harry H. Mulholland, Trustee of James P. Hammond III

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILFORD, DELAWARE AUTHORIZING A CONDITIONAL USE PERMIT FOR EQUITABLE OWNER TWO FARMS, INCORPORATED ON BEHALF OF HARRY H. MULHOLLAND, TRUSTEE OF JAMES P. HAMMOND III TO ALLOW A CONVENIENCE STORE WITH GAS PUMPS AND CAR WASH IN A C-3 DISTRICT ON 2.69 +/- ACRES AT 601 NORTH DUPONT BOULEVARD, MILFORD, DELAWARE. TAX MAP(S): MD-16-183.09-01-01.00; MD-16-183.09-01-02.00; MD-16-183.09-01-03.00.

Whereas, the City of Milford Planning Commission reviewed the application at a Public Hearing on May 17, 2011 and has presented item to be considered by the City Council; and

Whereas, Milford City Council held an advertised Public Hearing on June 27, 2011 to allow for public comment on the application; and

Whereas, it is deemed in the best interest of the City of Milford to allow the Convenience Store with Gas Pumps and a Car Wash as herein described.

Now, Therefore, the City of Milford hereby ordains as follows:

Section 1. Upon the adoption of this ordinance, Equitable Owner Two Farms, Incorporated on behalf of Harry H. Mullholland, Trustee of James P. Hammond III is hereby granted a Conditional Use Permit in accordance with the application, approved plans and any conditions set forth.

Section 2. Construction or operation shall be commenced within one year of the date of issuance or the conditional use permit becomes void.

Section 3. Dates.

Introduction to City Council: 05-09-11

Planning Commission Review & Public Hearing: 05-17-11

City Council Review & Public Hearing 06-27-11

This ordinance shall take effect and be in force ten days after its adoption.

Ordinance 2011-11 is scheduled for adoption, with or without amendments, at the Council Meeting on Monday, June 27, 2011. Should you have questions, please contact the City of Milford Planning Department at 302-424-3712 Extension 308.

City of Milford



PUBLIC NOTICE **MILFORD CITY COUNCIL HEARING**

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, June 27, 2011 at 7:00 p.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware, to take final action upon the matter of:

Davis, Bowen and Friedel, Incorporated on behalf of Shawnee Farm LLC for the Final Major Subdivision of 42.87 +/- acres, known as Cypress Hall Commercial, into six lots in a C-3 District on the southwest side of Route 113, at the corner of Seabury Avenue Extended. Tax Map No. 1-30-3.00-261.00.

All interested persons are hereby notified to be present and to express their views before a final decision is rendered. If unable to attend, written comments will be accepted up to one week prior to the hearing date.

Anyone with questions or comments should call Christine Crouch at 302-424-3712 Extension 308.

By: Terri Hudson, CMC

040711

City of Milford



PUBLIC NOTICE

CITY OF MILFORD PLANNING COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the following applicant has filed a land use application with the Planning Department of the City of Milford:

Davis, Bowen and Friedel, Incorporated on behalf of Shawnee Farm LLC for the Final Major Subdivision of 42.87 +/- acres, known as Cypress Hall Commercial, into six lots in a C-3 District on the southwest side of Route 113, at the corner of Seabury Avenue Extended. Tax Map 1-30-3.00-261.00.

A Public Hearing is scheduled for Tuesday, May 17, 2011 at 7:00 p.m. in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

All parties of interest are hereby notified to be present for the final review and recommendation by the Planning Commission to City Council. Final action will be taken by City Council.

If unable to attend, written comments will be accepted in advance of the hearing. Anyone with questions or comments should call Christine Crouch at 302-424-3712 extension 308.

By: Terri K. Hudson, CMC
City Clerk



Land Use Application Cover Sheet

File Name: Cypress Hall Commercial

Date Stamp

File Number: Project 08-016 # 08-017

Instructions for Applicants:

Please read and follow all instructions on your application carefully. If you have any questions about the process or your project, it is strongly recommended that you speak with staff prior to submitting your application to help ensure that processing can advance in a timely manner. Every application must include this cover sheet, the application/checklist and all required items. No applications will be accepted if violations exist or if any fees owed the City are delinquent.

Specify Type of Land Use Application to be submitted (check all that apply):

- Preliminary Site Plan
- Final Site Plan
- Change of Zone
- Preliminary Major Subdivision
- Final Major Subdivision
- Conditional Use
- Final Minor Subdivision
- Variance

Please Type or Print Legibly

| | | | |
|--|-----------|------------|--------------------------|
| Property Owner: Shawnee Farms LLC | | | Phone: (302) 429-8700 |
| Address: 105 Foulk Rd | | | Cell: |
| City: Wilmington | State: DE | Zip: 19803 | Fax: |
| E-Mail: | | | |
| Contact Person, if different: Bill Krapf | | | Phone: |
| Address: | | | Cell: |
| City: | State: | Zip: | Fax: |
| E-Mail: | | | |
| Applicant: Davis, Bowen, & Friedel, Inc. | | | Phone: (302) 424-1441 |
| Address: 23 North Walnut Street | | | Cell: |
| City: Milford | State: DE | Zip: 19963 | Fax: (302) 424-0430 |
| E-Mail: crs@dbfinc.com / rbd@dbfinc.com | | | |
| Site Address: Located along Rt.113, near Rt.36 and corner of Seabury Ext. | | | Zoning: C-3 |
| Tax Map & Parcel Number (s): 1-30-3.00-261.00 | | | Acreage: 42.87 +/- Acres |
| Description of Proposal: 206,914 Sq. Ft. Retail Shopping Center with 3 buildings and 5 outparcel lots. | | | |
| I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge. | | | |
| Signature of Applicant:  | | | Date: 3/31/11 |
| Signature of Property Owner:  | | | Date: 3/31/11 |

larger than 11" x 17") showing:

- A. Date, scale, north arrow and acreage of the entire site;
- B. The name of the final plat, subdivision, or dedication;
- C. The name and address of the owner(s), developer, and any other parties of interest;
- D. A layout of the subdivision including each parcel/lot location, lot number, lot square footage, lot setbacks including front, side and rear, buffering, open space, parking, street and alley names;
- E. Location and size of the proposed utilities (water, sewer, and electric) and any easements for such;
- F. Names, locations, and widths of streets and alleys.

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- 5. A list of waivers from the Code of the City of Milford and their corresponding code locations, as approved by City Council during Preliminary Approval.
- 6. A copy of any deed restrictions and restrictive covenants proposed by the subdivider.
- 7. A CD with the subdivision plans and utility plans saved in .pdf format, and the legal description and deed restrictions saved in Word format.
- 8. DeIDOT letter of no objection if located on a State maintained road.
- 9. Conservation District approval.
- 10. Fire Marshal site approval.
- 11. City of Milford Public Works approval.
- 12. Application fee.

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I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Applicant:

Date: 3/31/11

Signature of Property Owner:

Date: 3/31/11

| | FOR STAFF USE ONLY | | | |
|-----------|--------------------|---------------------|--------------|-----|
| | DAC | Planning Commission | City Council | BOA |
| Owner | n/a | 05.17.11 | 06.27.11 | n/a |
| Contact | | | | |
| Applicant | | | | |

- Q. The location, width, and designations of all existing and proposed streets, other public ways or easements within or adjacent to the proposed development and all of other existing features such as buildings, utilities, watercourses, and power lines;
- R. Wetland delineated using the US Army Corps of Engineers Manual, latest edition.

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FINAL APPROVAL

REQUIRED ITEMS

- 1. Land Use Application Cover Sheet.
- 2. DelDOT letter of No Objection.
- 3. Fire Marshal Site Plan Approval.
- 4. Conservation District Approval.
- 5. City of Milford Public Works letter of Approval.
- 6. Fifteen folded copies of a site plan (1 copy no smaller than 24" x 36" and 14 copies no larger than 11" x 17") showing:
 - A. The name of the site plan or dedication;
 - B. The date, scale, area, certification of the registered surveyor, and north arrow;
 - C. The name and address of the owner(s), developer(s) and any parties of interest;
 - D. The boundary lines, to scale, and actual dimensions of the tract to be platted or dedicated;
 - E. Acreage of the entire site, tax map and parcel number, and existing zoning;
 - F. The proposed building(s) square footage and building envelope including setbacks for each structure to include front, each side and rear;
 - G. The proposed parking, including the calculation for determining the proposed parking;
 - H. The location, width, and designations of all existing and proposed streets, other public ways or easements within or adjacent to the proposed development and all of other existing features such as buildings, watercourses, and power lines;
 - I. A layout showing the location of proposed electric utilities and location and sizes of proposed water and sewer utilities, catch basins, pump stations or other drainage structures;
 - J. Street and alley names, as approved by the County Mapping & Addressing Division;
 - K. The grades of proposed streets and methods of storm drainage;
 - L. Wetland delineated using the US Army Corps of Engineers Manual, latest edition;
 - M. Construction phasing plan, if applicable.
- 7. Fifteen folded copies of the landscaping plan and four sided elevations of each building type, no larger than 11" x 17".
- 8. A CD with the site plan drawings, landscaping plan and four sided elevations saved in .pdf.
- 9. Application fee.

| For Staff Use ONLY | |
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| Verified | Waived |
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| ✓ | ✓ BOA |

I/We certify that the information provided in this application, including all submittals are attachments, is true and correct to the best of my/our knowledge.

Signature of Applicant:

Date: 3/31/11

Signature of Property Owner:

Date: 3/31/11

| FOR STAFF USE ONLY | | | |
|--------------------|---------------------------------|---------------------|------------|
| DAC n/a | Planning Commission 05-17-11 | City Council n/a | BOA n/a |
| Owner | | | |
| Contact | | | |
| Applicant | | | |





ENGINEERING DEPARTMENT
302.422.1110, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

www.cityofmilford.com

March 31, 2011
Carlton Savage Jr, P. E.
Davis Bowen and Freidel
23 North Walnut Street
Milford, DE 19963

RE: Cypress Hall Commercial Engineering/Public Works Final Approval

Dear Carlton,

Thank you for addressing all our concerns listed in the Engineering Review letter of December 22, 2010. This letter serves as final plan approval for this project. As stated in the previous letter, prior to starting construction the City will require an executed Development Agreement and a performance bond for 125 % of the construction cost of Phase 1, and construction management and inspection fees at 4% of the construction cost. The bond and inspection fees are based on an engineers estimate to build the proposed infrastructure. The estimate must provide quantities and associated costs for all materials to construct Phase 1. The City will require 4 complete sets of construction drawings for our files and all drawings used for bidding or construction will need a City of Milford stamp indicating approved for construction.

When all these issues are addressed and you have received final approval from City Council I will issue a Notice to Proceed letter and we can schedule a pre-construction meeting. I look forward to working with you as this project proceeds to construction.

Best Regards,

Mark S. Mallamo P. E.
City Engineer

Cc: David Baird, City Manager
Brad Dennehy, Public Works Director
Rick Carmean, Electric Department Superintendant



STATE OF DELAWARE

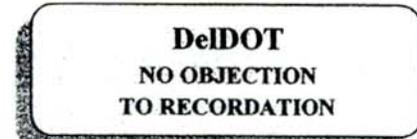
DEPARTMENT OF TRANSPORTATION

800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

CAROLANN WICKS, P.E.
SECRETARY

January 26, 2011

Gary Norris
City Planner
City of Milford
201 South Walnut Street
Milford, DE 19963



SUBJECT: SSR8615: Cypress Hall Commercial (fka Vale Asche Property)
Tax Parcel #: 130-3.00-261.00
SCR036-SHAWNEE ROAD
SCR036A-SEABURY AVENUE
SCR113-DUPONT BOULEVARD
Milford, Sussex County

Dear Mr. Norris,

The Department of Transportation has reviewed the Site Plan, dated December 2010, signed and sealed on January 14, 2011, stamped received by DeIDOT on JAN 26 2011 for the above referenced site, and has no objection to recordation as shown on the enclosed drawings and noted below. **This letter is for entrance location only and does not authorize the commencement of entrance construction.**

Note:

All recommendations of the finalized TIS/TOA will be complied with. Phasing of improvements to be determined at a later date.

Prior to the issuance of the Certificate(s) of Occupancy for any commercial development exceeding 150,000 square feet of gross leasable floor area, the developers shall construct the eastbound Delaware Route 36 right turn-lane at US Route 113, per approved entrance plans for this project.

Additional Right-Of-Way requirements for off-site improvements will be determined during the Entrance Plan approval process.

Entrance plans shall be developed in accordance with the Department's rules and regulations prior to entrance approval.

This "Letter-of-No-Objection" is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located.

If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

If I can be of any further assistance, please call me at 760-2266.

Sincerely,



Marc Coté

Subdivision Engineer, Development Coordination

MC: das

Plans (1)

cc: (1) Marc Coté, Subdivision Engineer, Development Coordination
Lenny Massotti, Subdivisions
Dryden William, Project Development
(1) Gemez W. Norwood, South District Entrance Permit Supervisor (w/attachment)
Jessica Watson, Sussex Conservation District
Randy DuPlechain, Davis, Bowen & Friedel
Bill Krapf, Developer
(1) File



OFFICE OF STATE FIRE MARSHAL



2307 MacArthur Road
 New Castle, DE 19720-2426
 Phone: 302-323-5365
 Fax: 302-323-5366

Technical Services

1537 Chestnut Grove Road
 Dover, DE 19904-9610
 Phone: 302-739-4394
 Fax: 302-739-3696

22705 Park Avenue
 Georgetown, DE 19947
 Phone: 302-856-5298
 Fax: 302-856-5800



FIRE PROTECTION PLAN REVIEW REPORT

Plan Review Number 2010-04-0528-MJS-03
 Review Status APPROVED AS SUBMITTED

Tax Parcel Number 1-30-3.00-261.00
 Review Date 02/14/2011

PROJECT

| | | |
|--|------------|--------|
| CYPRESS HALL COMMERCIAL CYPRESS HALL | | |
| Phase# | Building # | Unit # |
| RT 113 SB CORNER OF RT 36 SEABURY AVE MILFORD, DE 19963 | | |

SCOPE OF PROJECT

| | |
|------------------------------------|-------------------------|
| Project Type <u>MJS Major Site</u> | |
| Number of Stories _____ | Occupant Load _____ |
| Square Footage _____ | Occupancy Code _____ |
| Construction Class _____ | Fire District <u>42</u> |

APPLICANT

OWNER

| | |
|--|--|
| DAVIS BOWEN & FRIEDEL 23 N WALNUT ST PO BOX 809 MILFORD, DE 19963 | SHAWNEE FARM LLC 105 FOULK RD WILMINGTON, DE 19803 |
|--|--|

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

THOMAS HASLAM, SR FIRE PROTECTION SPECIALIST

FIRE PROTECTION PLAN REVIEW COMMENTS

Project Name CYPRESS HALL COMMERCIAL
Plan Review Number 2010-04-0528-MJS-03 Tax Parcel Number 1-30-3.00-261.00
Review Status APPROVED AS SUBMITTED Review Date 02/14/2011

PROJECT COMMENTS

- 1002 This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) Effective November 11, 2009. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
-
- 1050 This site meets Water Flow Table 2, therefor the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,500 gpm @ 20 psi residual for 2 hours duration. Hydrant Spacing: 800' on center.
-
- 1119 All proposed fire hydrants and water mains shall be installed in accordance with the most current edition of the Delaware State Fire Prevention Regulations (DSFPR, Part II, Chapters 6 & 7).
-
- 1132 Fire hydrants shall be color coded in accordance with the DSFPR, Part III, Section 3-4. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange.
-
- * 1232 All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. DSFPR Part III, Section 1.1.5.1
-
- 1332 The distance between a fire hydrant and the fire lane shall not be greater than seven feet (DSFPR Part V, Chapter 5, Section 5-10.4)
-
- 1432 The steamer connection of all fire hydrants shall be so positioned so as to be facing the fire lane (DSFPR, Part V, Section 5-10.5).
-
- 1130 Provide a water flow test on the subdivision hydrant(s) once they have been installed, and before they are placed into service (DSFPR Part I, Section 4-4.2 and Part III, Chapter 3). Results are to be forwarded to this Agency for review.
-

Project Name CYPRESS HALL COMMERCIAL
Plan Review Number 2010-04-0528-MJS-03 Tax Parcel Number 1-30-3.00-261.00
Review Status APPROVED AS SUBMITTED Review Date 02/14/2011

PROJECT COMMENTS

-
- 1180 This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
-
- 1191 Preliminary sprinkler plans shall be submitted with the building plans. These plans shall be a part of the building plans and shall be signed by a Fire Protection Engineer or a DE licensed Sprinkler Company. The current DE State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov.
- The building application cannot be accepted by this Agency without this plan. If there are questions on the preliminary sprinkler plan please call the office.
-
- 1198 All standpipe and sprinkler connections shall be marked and identified in accordance with DSFPR Part V, Section 5-11. NOTE: No objects, stands, displays, or other impediments (such as parking) shall be located within the demarcation area. This will be field verified at the final inspection. Noncompliance may cause a delay in approval for Certificate of Occupancy.
-
- 1199 The fire department connection shall be located per the site plan as approved by this Agency. This will be field verified at the final inspection. Noncompliance may cause a delay in approval for Certificate of Occupancy.
-
- 1299 The perimeter accessibility and fire lane markings shall be in accordance with the site plan as approved by this Agency. This will be field verified at the final inspection. Noncompliance may cause a delay in approval for Certificate of Occupancy.
-
- 1501 If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.
-



March 31, 2011

Mr. Carlton Savage Jr.
Davis, Bowen & Friedel, Inc.
23 North Walnut Street
Milford, DE 19963

RE: Cypress Hall Commercial

Dear Mr. Savage

A sediment control and stormwater management plan approval has been issued for the above-referenced project. Enclosed herein please find a copy of the approved application form and two approved plans. One is for your use, and the other is for the contractor and must remain on site at all times. Failure to keep an approved plan on site is a violation of this approved plan.

Please note that the timeframe for this plan is three years from the approval date. If for any reason construction does not begin within three years, the approved plan will be considered to have expired, and must be resubmitted to the District for a new review. In addition, if work is not completed within the three-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.

If you have any questions concerning the aforementioned, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Jessica Watson".

Jessica Watson
Program Manager

JW/dmh

cc: William Vanderwende
Debbie Absher
Shane Abbott

The following conditions shall be met as a part of the requirements of this application.

1. The Sussex Conservation District shall have the right of periodic on-site inspections for the purpose of sediment and stormwater management.
2. The holder of this application will be responsible for carrying out the Sediment and Stormwater Management Plans as approved by the Sussex Conservation District.
3. If the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, proposed changes in the plan must be submitted to the District in writing.
4. If inspections reveal the inadequacy of the plan to accomplish the sediment and stormwater management objectives of the plan, appropriate modifications to correct the deficiencies of the plan will be arranged between the District and the person responsible for carrying out the plan.
5. All sediment control practices shall be consistent with the standards and specifications of the "Delaware Erosion and Sediment Control Handbook."
6. All stormwater practices shall be consistent with the "Sussex County Sediment Control and Stormwater Management Program Handbook."
7. This approval does not represent permission to work in areas where applicable regulations may apply.
8. The Sussex Conservation District must be notified in writing five (5) days prior to commencing with construction. Failure to do so constitutes a violation of the approved sediment and stormwater management plan.
9. Review and or approval of the Sediment and Stormwater Management Plan shall not relieve the contractor from his or her responsibilities for compliance with the requirements of the Delaware Sediment and Stormwater Regulations, nor shall it relieve the contractor from errors or omissions in the approved plan.
10. If the approved plan needs to be modified, additional sediment and stormwater control measures may be required as deemed necessary by the Sussex Conservation District.
11. Following soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within 14 calendar days as to the surface of all perimeter sediment controls, topsoil stockpiles, and all other disturbed or graded areas on the project site.
12. Refer to current checklist for specific plan submittal requirements. Checklists are available at the District office.

CERTIFICATE OF APPROVAL

Name: Cypress Hall Commercial

Reviewed By: Jim Elliott Date _____

Title: _____

Approved by: Jessica Watson Date _____

Title: _____



**DELAWARE HEALTH
AND SOCIAL SERVICES**

DIVISION OF PUBLIC HEALTH

OFFICE OF DRINKING WATER
PHONE: (302) 741-8630
FAX: (302) 741-8631

February 14, 2011

CITY OF MILFORD

APPROVAL TO CONSTRUCT

Cypress Hall Commercial Connection
PWS #DE0000616
Approval #11W12

Mr. Louis J. Capano
Shawnee Farms L.L.C.
105 Foulk Road
Wilmington, DE 19803

Dear Mr. Capano:

As provided by Section 2.11 of the *State of Delaware Regulations Governing Public Drinking Water Systems*, you are granted approval to connect Cypress Hall Commercial to the existing main in accordance with the plans submitted by Davis, Bowen & Friedel, Inc. The plans consist of:

1. Transmittal letters dated September 5, 2008, January 14, 2011, and February 8, 2011.
2. Two copies of the plans entitled "Cypress Hall Commercial" dated July 2008 and revised February 8, 2011.

These plans, as noted, are made a part of this approval. This approval is granted subject to the enclosed list of conditions. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction. Prior to receiving an Approval to Operate, the Office of Engineering requires one set of as-built drawings, including profile markups.

The Office of Engineering recommends detectable tracer tape that is three inches wide and blue in color to be installed directly above all water mains larger than two inches in diameter.

I am sending one set of plans with a copy of this approval to Davis, Bowen & Friedel, Inc. that is signed and dated by the Office of Engineering.

Office of Engineering
43 South DuPont Highway
Dover, DE 19901
35-05-505

Mr. Louis J. Capano
Shawnee Farms L.L.C.
February 14, 2011
Page 2

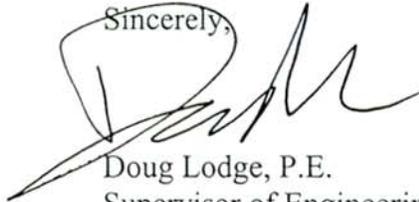
Should you have any questions regarding this matter, please feel free to contact Bill Milliken at (302) 741-8586.

Plans reviewed by:



William J. Milliken, Jr.
Engineer III
Office of Engineering

Sincerely,



Doug Lodge, P.E.
Supervisor of Engineering
Office of Engineering

cc: Shane Abbott, Sussex County Planning & Zoning
Carlton Savage, Davis, Bowen & Friedel, Inc.
Mark Mallamo, P.E., City of Milford
Rebecca Fahey, Office of Drinking Water

1. The approval is void if construction has not been started by February 14, 2012.
2. The project shall be constructed in accordance with the approved plans and all required conditions listed in this Approval to Construct. If any changes are necessary, revised plans shall be submitted and a supplemental approval issued prior to the start of construction. As-built plans including profile mark-ups must be submitted to the Office of Engineering after construction has been completed.
3. Representatives of the Division of Public Health may inspect this project at any time during the construction.
4. This approval does not cover the structural stability of any units or parts of this project.
5. The water system shall be operated in conformance with the *State of Delaware Regulations Governing Public Drinking Water Systems*.
6. All potable water lines and appurtenances shall be disinfected using one of the methods in the American Water Works Association Standard C651, current edition.
7. Water mains crossing sanitary and storm sewers should be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer, and the water main should be above the sewer. At crossings, one full length of water pipe should be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required. In cases where it is not practical to maintain an 18-inch separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
8. Water mains should be laid 10 feet horizontally from any existing or proposed sanitary or storm sewers. The distance should be measured edge to edge. In cases where it is not practical to maintain a 10-foot separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
9. All chemicals, materials, mechanical devices, and coatings in contact with potable water shall comply with National Sanitation Foundation/American National Standards Institute Standards (NSF/ANSI) 60 and 61 and shall be inert, nontoxic, and shall not impart any taste, odor, or color to the water.
10. Sufficient valves should be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at not more than 500-foot intervals in commercial districts and at not more than one block or 800-foot intervals in other districts.
11. There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharge or drawn into the system.

12. Fire hydrant drains shall not be connected to or located within 10 feet of sanitary sewers, storm sewers, or storm drains.
13. Prior to usage of water from this new well, water plant, storage plant, or distribution system, approval for the water quality must be obtained from the Division of Public Health.
14. The water system should be capable of providing at least 25 psi at ground level at all times throughout the distribution system.
15. All plastic pipe utilized in this drinking water system shall be approved for potable water use (NSF-pw). If any piping is joined with solder or flux, the solder and flux shall be lead free (less than or equal to 0.2 percent lead).
16. All water lines should be buried to a depth of at least 3 feet.
17. A Certificate of Public Conveniences and Necessity should be acquired from the Public Service Commission, (302) 739-4247.
18. This approval is for the distribution system only. Plans and specifications for all well plumbing, pumps, storage (including any interior coatings), and treatment must be submitted to and approved by this office prior to their installation.
19. The approval is subject to immediate revocation upon violation of any of the preceding conditions.
20. All other local (county/city/town) approvals or permits needed must be obtained prior to beginning construction.
21. Upon completion of construction and before the system is placed into operation, a "Notice of Completion" must be submitted to the Office of Engineering. Before placing the system into operation, the following must be adhered to:
 - a. Submit a set of as-built plans with profile markups to the Office of Engineering.
 - b. Obtain an Approval to Operate from the Office of Engineering.

EMAIL CORRESPONDENCE DATED 04.05.11

Carlton,

In order to process your submission, the following information is required, per the applications you have submitted:

SITE PLAN, FINAL:

Item 6.G. The proposed parking, including calculations for determining the proposed parking.
The Title Sheet provided with the package includes the calculation for proposed parking and requirements. A variance was granted on August 21, 2008 reducing the required 1,138 spaces down to 1,014 spaces. 1,015 spaces have been provided. The ratio of parking (4.9 per 1,000 s.f.), calculations, and all information related to parking has been provided on the Title Sheet.

Thank you for the providing the ratio of 4.9 per 1,000 s.f. of leasable area.

According to our records on 08/21/08 a parking variance for the 29.91 acres (a portion of parcel 6 on the proposed plan) was granted to allow 4.9 spaces per 1,000 sq. ft. of leasable area.

Then on 01/14/10 another parking variance was granted to allow 4.81 spaces per 1,000 sq. ft. of leasable area for only 9.79 acres of the parcels.

The minutes further outline information regarding the landscape plan.

During the 2010 hearing, testimony was given by Tim Metzner of Davis, Bowen & Friedel stating the previously approved variance (in 2008) was for a design that had been abandoned.

It was ultimately determined the 08/21/08 variance is void. The minutes of the meeting are attached to this email for your review which explains the City's position on this matter.

Item 8. Four sided elevations saved in .pdf.

The architectural plans are in the works for the Grocery store as we speak, but elevations have not been completed. The buildings will need to proceed with building approval and permitting. I assume this can be presented at that time? It is possible that elevations will be completed before meeting, but are not available at this time. Are these absolutely required? I assume this happens all the time since this is site plan approval, not building permitting.

Mr. Norris is willing to waive this requirement at this time. Please be aware four sided elevations are required as part of final site plan submission.

SUBDIVISION, FINAL:

Item 3.F. Calculation of open space requirements.

As we understand, there were no open space requirements when the plan was Preliminarily approved.

Mr. Norris is willing to waive this requirement at this time.

Item 3.G. Lot square footage (some lots on the plans indicate the square footage, but not all.)

The lot areas are clearly defined on the Title sheet "Data Column". I assume you need the lot acreage for the larger parcel with 3 units located on it. The area for this lot is 29.690+/- acres and there is a small SWM piece that is adjacent to Parcel 5 that is 1.129+/- acres. The other lots are clearly defined.

Thank you for providing the lot square footage for parcel 6. Will the stormwater basins be separate parcels or are they included in parcels 1 through 6? If they are included in parcels 1 through 6, which ones?

The intent is for the stormwater basins to be part of the larger 29.690 acre shopping center. This shall make this parcel 30.819+/- acres, but since they are separated by the right-of-way I wanted to clearly show the lot area separate. This is shown this way on the Title Sheet.

To confirm, the three stormwater basins - one at the north end of the site (.66 acres), one to the south of it (1.04 acres) and the one at the west side of the site (2.33 acres) – are all part of parcel 6. Parcel 6 is a total of 29.70 acres, not including the stormwater basins which are another 4.03 acres. Please confirm.

Parcel 6 includes all the areas for the SWM Ponds. Do not add another 4.03 acres to Parcel 6. Parcel 6 shall also include the 1.129 acres to Parcel 6 to make it a total of 30.819 acres. (See Below)

DATA COLUMN

| | | |
|--|--------------------|------------------|
| TAX MAP ID | :1-30-3.00-261.00 | |
| EXISTING ZONING | :C-3 | |
| PROPOSED USE | :COMMERCIAL | |
| EXISTING AREAS | | |
| EXISTING SITE AREA | : 42.878±AC | |
| EXISTING SR#36A RIGHT-OF-WAY | : 1.088±AC | |
| <u>TOTAL EXISTING PROJECT AREA</u> | <u>: 43.966±AC</u> | |
| PROPOSED AREAS | | |
| SHOPPING CENTER | | |
| MAIN SHOPPING AREA | : 29.690±AC | |
| NEAR OUTPARCELS (SWM) | : 1.129±AC | |
| <u>TOTAL</u> | <u>: 30.819±AC</u> | ← PARCEL 6 TOTAL |
| COMMERCIAL OUTPARCELS | | |
| PARCEL 1 | : 1.595±AC | |
| PARCEL 2 | : 1.631±AC | |
| PARCEL 3 | : 1.668±AC | |
| PARCEL 4 | : 1.404±AC | |
| PARCEL 5 | : 1.911±AC | |
| <u>TOTAL</u> | <u>: 8.209±AC</u> | |
| RIGHT-OF-WAY (CITY OF MILFORD) | | |
| TRANSFERED FROM DELDOT | : 0.793±AC | |
| <u>DEDICATED BY OWNER</u> | <u>: 3.836±AC</u> | |
| TOTAL | : 4.628±AC | |
| RIGHT-OF-WAY SR#36 (DELDOT) | | |
| EXISTING TO REMAIN | : 0.070±AC | |
| <u>10' DEDICATION BY OWNER</u> | <u>: 0.014±AC</u> | |
| TOTAL | : 0.084±AC | |
| RIGHT-OF-WAY TRANSFERED TO RESIDENTIAL | | |
| FROM DELDOT ALONG SR#36A | : 0.226±AC | |
| <u>TOTAL PROPOSED PROJECT AREA</u> | <u>: 43.966±AC</u> | |

Item 3.J.

Location of well head protection areas and recharge areas delineated per the State of Delaware. **The Well Head Protection ordinance was implemented after Preliminary approval for this project. This project is not subject to this requirement. If verification is needed, we have an email from David Baird stating the above.**

Please provide the location of well head protection areas and recharge areas delineated per the State of Delaware as well as any correspondence you feel necessary to exempt the project from those regulations.

Please find the attached email exempting the project from the well head protection area requirement.

Thank you for the correspondence. It will be included in the submission.

Item 5. A list of waivers from the Code of the City of Milford and their corresponding code locations, as approved by City Council during Preliminary Approval.

I do not believe there were any additional waivers from the Code other than parking. If you have additional information on this, please forward.

This item was checked off on the application as though a list of waivers was included with your submission. The application will be corrected.

Item 6. A copy of any deed restrictions and restrictive covenants proposed by the subdivider.

I am unsure of what is required for this item. All easements existing and proposed have been shown on the plans. I assume that this could include documents similar homeowners documents for a residential subdivision?

This item was checked off on the application as though a copy of deed restrictions and restrictive covenants was included with your submission. The application will be corrected.

Please let me know if you have any questions.

Christine R. Crouch

Planning & Zoning

Enforcement & Inspections

302.424.3712 x308

F 302.424.3559

www.cityofmilford.com

Tim Metzner

From: Randy Duplechain [rbd@dbfinc.com]
Sent: Friday, January 22, 2010 2:50 PM
To: Tim Metzner
Subject: FW: Well Head Protection and Groundwater Recharge Ordinance

See below. This correspondence is from January 29, 2008.

Randy B. Duplechain P.E.
Davis, Bowen and Friedel Inc.
23 North Walnut Street
Milford DE 19963
Phone (302) 424-1441
Fax (302) 424-0430
E-Mail rbd@dbfinc.com

From: David W. Baird [<mailto:dbaird@milford-de.gov>]
Sent: Tuesday, January 29, 2008 4:00 PM
To: Randy Duplechain
Cc: Gary J. Norris
Subject: RE: Well Head Protection and Groundwater Recharge Ordinance

Randy:
The ordinance was introduced and I informed them of amendments that will be proposed regarding the excellent groundwater recharge areas language being similar to what is in the Sussex County proposal. I also informed them that the Cypress Hall project would not be subject to the ordinance as the submittal was made prior to the introduction and/or adoption of the proposal.

I am planning to develop an amendment that will be introduced at one of the public hearings and will forward you a draft once it is complete.

David

David W. Baird
Asst. City Manager
City of Milford
P.O. Box 159
Milford, DE 19963

302-422-6616 ext 179
dbaird@milford-de.gov

From: Randy Duplechain [<mailto:rbd@dbfinc.com>]
Sent: Tuesday, January 29, 2008 3:44 PM
To: David W. Baird
Subject: Well Head Protection and Groundwater Recharge Ordinance

Dave

Can you tell me what happened with the pending Well Head Protection and Groundwater Recharge ordinance Monday night? Was it introduced as written or did Council decide to hold off for revisions?

Please let me know since obviously this is a big concern to the developers of Cypress Hall Commercial.

Thanks

Randy B. Duplechain P.E.
Davis, Bowen and Friedel Inc.
23 North Walnut Street
Milford DE 19963
Phone (302) 424-1441
Fax (302) 424-0430
E-Mail rbd@dbfinc.com

Apr 2011



March 2007
Aerial Photograph
Courtesy of the Delaware DataMIL

-  State Wellhead Protection Areas
-  Excellent Recharge Areas

0 600 1,200 Feet

Southwest Milford

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 24, 2008

A Public Hearing was held before Milford City Council on Monday, March 24, 2008 in the Meeting Room of the Delaware Rural Water Association Facility, 210 Vickers Drive, Milford, Delaware, to take final action upon:

Davis, Bowen and Friedel, Incorporated on behalf of Shawnee Farm LLC for a Conditional Use to allow a Shopping Center and Preliminary Review of the Major Subdivision of 69.23 +/- acres into 8 lots, in a C-3 Zone to be known as Cypress Hall on the southwest side of Route 113 at Shawnee Road/Route 36. Tax Map No. 1-30-3.00-261.00.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, John Kramlich, John Workman, Owen Brooks, Jr. and Katrina Wilson

ALSO: City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Rogers called the Public Hearing to order at 7:19 p.m.

Randy Duplechain, P.E. of Davis, Bowen and Friedel, Incorporated was present to speak on behalf of the applicant. He presented a drawing of the proposed shopping center noting the plan has been reviewed by the Milford Planning Commission who approved the preliminary subdivision and conditional use. He is presenting the conditional use and preliminary subdivision plan for council's approval this evening.

Mr. Duplechain referred to the map showing the location of the project. He explained the first phase of the project is 237,000 square feet of commercial on a 44-acre parcel. He noted another section of approximately 15 acres of commercial which involves Phase 2, though there are no immediate plans for that area.

They are proposing an approximate 139,000 square foot home improvement store with a 55,000 square foot grocery store and another 55,000 square feet of miscellaneous retail.

The application has gone through DELDOT with a traffic impact study. Three site accesses are proposed; the first is from Route 36 with a change to a T-type intersection with protected left turn lanes. Currently, it angles in coming into Old Shawnee Road and goes through Route 36. When the intersection is restructured, this portion of Seabury Avenue would become a cul-de-sac

Mr. Duplechain advised the second access will be from a major interchange across from the Simpson Farm property which will become a fully signalized intersection with full movements from all directions.

The third point of access is on Route 113 and will be a rights in/rights out along with a left in.

Mr. Duplechain feels it will relieve some of the southbound traffic that would otherwise have to go through the signalized intersection.

He said a fourth connection will be added to the residential and future commercial portion. Another entrance further to the south will tie into the residential portion of the project. Mr. Duplechain reiterated this has gone through DELDOT along with a review of the traffic impact study, and agrees with the location and types of entrances proposed.

He noted there was some discussion related to pedestrian access. Sidewalks will be added throughout the project and will be connected to the residential portion. A 12-foot wide multi-modal path along the frontage of Route 113 and Route 36 will allow bicycle and pedestrian uses.

Water, sewer and electric service is already available at the site. Stormwater management will be provided through the use of two large wet ponds with one on the west side of the property and one closer to the Route 36 entrance. The two ponds

cover over five acres and are a combination of wet and dry ponds. There is a discharge under Route 36 which has resulted in some concerns. The state requirement is we cannot discharge more in the post-development rate than is being done in the pre-development rate.

The soil conservation district has discussed the downstream discharge. Mr. Duplechain believes a downstream study will be required to ensure the downstream users are not flooded. This was made clear in the PLUS comments. PLUS comments were received on February 25th and addressed on March 18th and resubmitted.

Mayor Rogers asked for questions from council.

Mr. Brooks asked for clarification on the water drainage issue across Route 36. Mr. Duplechain referred to a discharge pipe which most of the fields drain to. The project would discharge to the same location and be maintained at the pre-development rates as is required by soil conservation. He further explained that soil conservation has indicated some possible issues downstream that will be reviewed. If there are issues, an evaluation downstream would be needed.

When asked the location of the entrance in proximity to the transfer station, Mr. Duplechain explained the second entrance is further to the south of the project. The first entrance is directly across from the Simpson Crossing. He referred to another entrance at Milford Ponds which is further to the south.

Mr. Workman expressed concern about the runoff. He understands that everything must be in place before final approval is granted. Some of the farmers in this location are concerned about runoff on their property. Mr. Duplechain recalled that discussion at the planning commission meeting explaining that soil conservation prohibits any additional discharge in post-development than occurred at the pre-development rate. Whatever goes through the pipe at the present time cannot be increased. Because of the concerns downstream and a potential upstream impact, they want it reviewed.

Mr. Carmean advised that would have to be addressed before any permitting was allowed.

Kurt Hutson of 6493 Shawnee Road states he lives adjacent to the property and his home is one of the four homes in the triangle between Seabury and Route 36. He and his wife have lived at this property for nine years. Seabury is their backyard and Route 36 is at their front. They are next to the water pump station. When they moved in, they had a reasonable expectation of privacy, but understood that down the road someone might develop this property. However, they thought that when that occurred, it would be done in a responsible manner. He feels they are getting a double whammy with the development and the entrances. Traffic will increase substantially and his property value will decrease.

Mr. Hutson said there is no real buffer and no requirement for a fence or trees because they are further back from the property. However, they will still have to put up with added noise, litter, lights and headlights from vehicles. The area he is referring to will have approximately six out parcels. Where they are building in the future, they will have to put up with lights from the lamp posts which can be a problem and an annoyance.

He is also concerned about his grandchildren who play in his backyard. Their backyard is used to gather, recreate and relax. His concern is the people on the pads, or people shopping or going to the restaurant who will have a full view of his backyard because there is nothing to obstruct the view.

Mr. Hutson reported approximately 123 registered sex offenders are in the Milford area which includes tier two and tier three offenders. This does not include the higher number of tier one sex offenders. He said they will be shopping at these places and will be able to sit in their car and look at his backyard. The sex offenders and predators are the ones that concern him. He said they often watch or stalk their victims and many work in the food service industry.

Mr. Hutson said that, we as citizens of Milford, have a responsibility to protect our children. Any development should be done with a responsibility to do it correctly and in a manner to minimize criminal activity.

He said that on the lot behind the retail shop, there is a row of trees and a six-foot high privacy fence. All the people west of the intersection will have a privacy fence and trees so they will not have to put up with the noise.

Mr. Hutson is not asking for the plans to be scrapped as he does not have a problem with future development as long as it is done responsibly. But the residents in that area, and particularly those four homes in the triangle, are taking concessions.

Traffic will increase substantially. They have moderate traffic now that will increase three or fourfold. The negative impact on their property values should also be considered.

Mayor Rogers asked if a buffer would help; Mr. Hutson stated he could not find another commercial area that backed up to a residence that did not have a seven or eight-foot fence. He found the same situation in the City of Dover. All the commercial sites with adjacent residences had fences separating the properties. No one wants anyone looking at them in their backyards. If it was a front yard, it might be different, but he does not want people looking at his children. He feels this can be done responsibly and with aesthetic value.

Mr. Duplechain said this buffering issue was discussed at the last meeting. They have no problem doing the same thing they are doing on the other side with a privacy fence and some landscaping. He offered to meet with the residents in that area to discuss their concerns and work with them to minimize the impact of the project.

Mr. Hutson said that will satisfy them if they can be held to it. Mayor Rogers said the city will hold them to it. He agrees the main concern is Mr. Hutson's privacy which Mr. Duplechain confirmed the applicant is willing to address.

Trish Marvel of 6525 Shawnee Road said she agrees with Mr. Hutson to a degree because landscaping is wonderful. She referred to the landscaping by the house next to Royal Farms which does nothing for the lights and the traffic. There is still a lot of activity. It does not stop the trash which blows through the trees. She does not feel that planting trees is the answer. She is for progress and believes we should move forward, but agrees it must be done in a manner that is a win/win situation.

Ms. Marvel is unsure if a berm could be added and though a fence is fine, but it causes you to lose the whole environment. She feels this is in the country and wants to be able to look and see the fields and barns. The fence isolates you from that. She is for progress and if this was residential, that would be a whole different story. This is a huge building and she does not want to look out and see the back of the building and the trash compactors, track trailers and those things associated with a commercial business. She feels it needs to go beyond planting trees or putting up a fence.

Kathleen and Robert Weldon of 6494 Shawnee Road then addressed council. Ms. Weldon said they live across the street from the Hutsons and Marvels. She advised they did not receive a notice regarding this project. They already have flooding in their backyard due to soil and water runoff now. They have no shoulder area on the north side of Route 36. They learned they will have to get in and out of their residence through an access road to a major development without any notice and only found out through a recent article in the local newspaper. She already has markers in her front yard and she has no idea why they are there.

Mr. Weldon feels it must have been something planned or the markers would not be there. Ms. Weldon said she must watch traffic to approach her mailbox which is on her side. They live in single family residential area that had been primarily serviced by Route 36. Now it is being turned into a commercial site. She finds the access road off Route 36 something that needs to be reconsidered. The runoff is already a problem for that property. They have talked to the soil conservation district who informed them it would take four years from last year before they could start the remediation process on the water problem. She asked if she is losing her house and for reconsideration of the two-lane road.

She does not understand how Route 36 can be widened, particularly with no shoulder on the north bound side, without taking her property, her trees and shrubbery. Ms. Weldon asked what the markers were placed on her property for.

Mr. Duplechain said he is unsure what the marker is. Mr. Weldon explained there are orange markers up and down the road. Mr. Duplechain said they recently did some soil borings on the site. If Miss Utility was called, they would label the utilities. Some surveying was done throughout the entire area, but that was approximately eight months ago.

Mr. Duplechain confirmed they are widening Route 36 in that section. He stated there is sufficient right-of-way in that area to construct the roadway though it does become tight where they are proposing the intersection. He assured the Weldons they are not taking any of their property adding that some residents think their property lines extend beyond their actual property. They do contain a right of way though he is unsure what the Weldons consider their property line though they will be staying within the right-of-way.

Mr. Weldon said that Royal Farms was allowed to be built there. All along their road is trash. He went out and found a loaded handgun in his front yard and it will only get worse with this development. He called Milford Police Department and had them come out at 7:30 a.m. to pick the gun up. Every day his yard has beer cans, beer bottles, soda cans and trash. The Hutson and Marvel property have the same problems. There are trash trucks coming into Royal Farms at 4:30 a.m. which allows you to hear the banging and loud noises from those trucks at those times. Loud music is always playing at Royal Farms. There have been shootings there and he does not think there should be any more shopping centers so close to these homes. He appreciates everything the city has ever done for him but he does not think this should happen.

Mayor Rogers confirmed that the Weldons are opposed to the development. Mr. Weldon added that the ditch that crosses Route 36 from Danny Fox' property, has caused water problems on his property. He had a shop built two or three years ago. Water backs up in there. He had the state come out to look at it. He has planted all new cypress trees along his property line in an attempt to block that area. He asked what will happen later.

Ms. Weldon said they are not opposed to development in a commercial area, but are opposed to the use of Route 36 as an access service road to this development. They want to maintain the residential quality of the neighborhood as it exists now.

Mr. Weldon advised they have a difficult time now getting in and out of the driveway because of the increased traffic traveling up and down that road.

Daniel Fox of 17794 Oak Hill Drive lives across the road from the Route 36 proposed entrance and exit. He stated that two years ago, they received a notice from the city stating they were changing the zoning to residential for 160 homes. They did not receive a notice for the change of zone to commercial until the third part of February. A few of the residents stated they received the notice but others did not. He said they were talking as neighbors when they learned of the hearing and came to the planning commission hearing to find out what was going on. He does not know when this section was rezoned to commercial because he did not receive a notice though it impacts his property along with a number of other people in that area.

Mr. Fox feels it will degrade the value of their property because this large commercial area will be behind these houses. No one will want to live next to that because they prefer to live in a nice, residential area.

He asked when the rezoning took place. Mr. Carmean thought it was more than a year ago. Mr. Duplechain said it was advertised and did go through the public hearing process for both the planning commission and city council.

Mr. Fox thought the notice of the planning commission hearing and council hearing came in his electric bill from the City of Milford. He indicated another neighbor received his notice of this hearing today and if he had gotten home from work late, he would not have been informed.

Mr. Fox feels that something underhanded happened because the public was not properly notified. He said it was obviously sent out in the mail for this meeting and the prior planning commission meeting. He has no problem with that because it was in advance. But he was never informed of the meeting when the zoning was changed from residential to commercial.

He also has a problem with the entrance/exit. The headlights of the vehicles coming out the exit onto Route 36 will shine their lights into his front door. There is no other shopping center in the City of Milford with exits in front of a residence. He said they can put a rights in only where you could bear off toward the dead end street so that the Hutsons, Marvels and others living in that section could access their property.

The other concern is increased traffic Route 36. He feels the drawing does not really show how bad the curve is but you cannot see around it. Mr. Fox referred to his driveway on the drawing, explaining that the road has already been widened and there is no shoulder. When they first did that, Mr. Fox was replacing a mailbox every other day. It is dangerous just to try to get his mail without worrying about being hit.

The traffic coming out from the shopping center will be impacted by his farm equipment. His top speed is 16 miles an hour which takes at least a quarter to a half mile to get up to.

Though Mr. Kovach is not in attendance, Mr. Fox said he will speak for him. He has a blacktopping business with large

equipment that uses this road. It is hard to get out now because vehicles are flying around the curve going more than the 35 mile an hour speed limit. Milford Police Department sit there quite often and continuously catch speeders.

Mr. Fox also pointed out this is a major route to the hospital. Greenwood and other fire companies use that road as a major route to the hospital. If cars are backed up, the ambulance cannot get around the curve to trip the light. On an average, he sees approximately ten ambulances and many are not blowing their siren, which means they have someone on board in cardiac arrest. They do not blow their sirens in that situation because of the added stress to the patient. As a result, drivers are unaware of their presence because they are facing the light and not the ambulance behind them. Traffic remains stopped which prevents the ambulance from getting through the intersection to get the patient to the hospital.

He then referred to the location of his pasture and said if it is hit at an angle, one vehicle will go through his fence into his pasture. He said it will be very difficult to get a 1,200 or 1,500 pound bull back into the pasture.

With the extra exits they are proposing, he wonders why they need the light. He feels everyone will go to the exits to prevent dealing with the light. They are putting the light in as a place to encourage traffic to exit onto the road. When people exit the Lowes' Store in Lewes, they use back roads to get around to the lights only to go back in front of Lowes again. He has no problem with the rights in/rights out. He believes most people will cut through an access which is just another place for an accident.

Mr. Fox raises cattle and goats as part of his living. He referred to the contaminates that could run off the blacktop into the ground. A comment was made at the planning commission that no additional water would be allowed to run off. After a good soaking rain, someone can walk through without sinking in because there is no water in the low spot.

He located an area on the map that is all field right now and the existing wellhead. He explained the rain that goes into this field and into his field refills that well head and replenishes the aquifers down below. This could cause it to run out instead of allowing the ground to absorb it. Contaminates will be released though they claim it is supposed to hold it. There is no guarantee, according to Mr. Fox, depending on the amount of rain. Last year that may have been the case, but this year no one knows. A three-inch rain will cause it to fill up and go across his property. It will contain contaminates that his livestock will drink out of the water hole. If he finds a cow dead, he is out money for the production of her calf.

He referred to the stormwater ponds that cover approximately five acres. He questioned their 20-foot depth noting his wellhead is only 50 feet. This past summer, his well started to go dry and it cost almost \$1,000 to figure out what was occurring. He also had problems in the house because the water level dropped. This water is 20 feet with contaminates and has only 30 feet before it hits his aquifer.

Mr. Fox said he has a pond there and when the city put their well in, his pond dropped because they tapped into the spring. This past summer, his pond had possibly 10 gallons of water in it though it was supposed to be 15 feet deep. The aquifer will not refill if blacktop is on top of the ground.

He heard the earlier conversation about the 150-foot buffer around the wellheads, but Mr. Fox feels that is not enough to fill the aquifers. When this was residential, there were yards and grass which could absorb the rain.

Mr. Fox said he has no problem with the shopping center, but does not want the runoff on his property. Eventually those contaminants will spread to Silver Lake, the Mispillion and ultimately end up in the bay.

Denise Moore of 6502 Shawnee Road said she bought her house approximately four years ago. She likes the country setting and the branch that runs through her rear yard. She is concerned about the trash and the traffic, because this is a busy road and there is noise and the crime. Royal Farm already brings enough crime to this area which she was unaware of until she moved there.

Duane Fox of 809 New Street is confused how this project can remove a wetland when the state highway cannot build a road on wetlands. He said this was a spring but is now a ditch. He said that oil and gasoline will be running off the forty-four acres of blacktop and will not settle to the bottom and will end up floating on top of the water. It will go into Silver Lake by way of the stream which is about a mile and a half.

He also asked how they got the entranceway on Route 113 because the city would not let Simpson Farm have a highway entrance and they were going to exit behind his house on New Street. Somehow, Cypress Hall was allowed.

Mayor Rogers informed Mr. Fox that is a decision of DELDOT; the city has no jurisdiction over Route 113 entrance and exits. Though a portion of the highway is in the city, the state has total jurisdiction over the entrance and exits.

Mr. Fox said the sketch on the Simpson Farm shows a cul-de-sac so they were unable to get an entrance.

Duane Fox then advised that his problem is the wetlands. He stated the gas and oil will run over and end up in the ditch. Eventually nothing will live out there. Mr. Duplechain explained they cannot legally run any additional water out there, but what is running across the ground, at least a third or a half, is settling in the ground. There will not be any dirt to settle in anymore.

Duane Fox also does not know how another lane can be added to Route 36. According to him, the right-of-way is the fire hydrant is in front of Mr. Hutsons' house though there may be a little right-of-way to Kovach's fence. The telephone pole is the right of way for the rest of the homes.

He agrees there are problem turning from the left lane into Danny Fox's driveway and that you cannot exit without getting hit because cars fly around the curve. He is interested because he owns a piece of ground across from this exit on Route 36.

Duane Fox said there were several things discussed with the planning commission about rights in, but no right out. At the planning commission, they indicated that would inconvenience the public, but the residents can go around. Because they closed Seabury Avenue off over by the pumping station, he now has to go around now.

Mr. Duplechain referred to the nutrient management previously mentioned and advised the applicant is required to do the same thing. It is required by law. It has a nutrient reduction requirement which is 45% for nitrogen and phosphorous and 96% for bacteria and is something that will be taken care of.

He continued explaining that in the stormwater management calculations, the soil types are tested and ranked A through D with A being the soils that infiltrate the best and D being the ones that don't infiltrate their clays. That is taken into account when the calculations are done for the pre-development rate. If there are good soils, as this is the case, that will be taken into account the pre-development rates are calculated. The post-development rates will be held to those pre-development rates. If there is not much water going through the culvert right now, they will have to hold to those rates and store in the two ponds. The ponds are in excess of five acres and are not twenty feet deep, but have a maximum of six feet deep from the water surface down which is a requirement of soil conservation and cannot be any deeper than six feet.

He reported the state also requires them to meet a water quality standard for this site as it exists now. The first two inches of runoff must be treated before it is discharged.

DELDOT was trying to create an access road that would start at Route 36 and come through the property to take traffic off Route 113. This access road will continue to the other residential development, to another entrance, onto another entrance on Route 113 to try to take traffic off Route 113. It is based on what DELDOT was looking for and who made the suggestion to close off Seabury Avenue Extended.

Mayor Rogers asked if those people were notified by the state highway department; Mr. Duplechain said they were not and he does not believe they were required to be notified by DELDOT. Presently, they are seeking preliminary site plan approval and conditional use approval. Once they get this approval, they will start the actual process.

Mayor Rogers asked why the state highway did not notify those property owners because of the impact it would have on them. Mr. Duplechain was unable to answer for DELDOT in that case.

Mayor Rogers understands the state has the right to close a road but agrees those four residences should have been notified; Mr. Duplechain does not disagree adding they will have some impact by this entrance at that location.

It is Mayor Rogers' impression that many of the residents do not have a problem with the project, but are concerned with

how they are doing it. However, he also understands that the city does not have jurisdiction over DELDOT regulations.

He asked Mr. Duplechain to readdress DELDOT with the concerns expressed tonight. Mr. Duplechain offered to go back to DELDOT and discuss the problems and ask for a possible modification.

Mr. Workman said he is in agreement with Mayor Rogers and if DELDOT is supposed to send letters out, it is a concern the neighbors were not notified. Mr. Carmean and Mr. Duplechain both advised that DELDOT is not required to send letters in a case such as this.

Mr. Workman said that is a concern though he knows the city publishes these notices in the newspapers. Though we have two local newspapers, he said that many people read them but a lot of people don't.

Mayor Rogers said he would prefer for Mr. Duplechain to go back and ask for a reevaluation. Mr. Duplechain explained that though they are saying we are widening the road, it is actually an improvement to Route 36 with the widening and addition of another turn lane.

Mr. Duplechain said he will be happy to go back and discuss the public concerns to see if there is another way to work this out. He feels they will still want access at that point and possibly a rights in/rights out though possibly not a left in. But they will want something that will give some relief, but not to the point it would cause an inconvenience.

He reemphasized they will be happy to work with the neighbors to minimize their impact.

Ms. Wilson asked for some additional clarification with soil conservation in regard to the runoff. Mr. Duplechain said he will meet with them but they have already told them they will most likely do a drainage study downstream to determine the impact this project will have, if any, downstream. As he stated previously, they are required by law, not to increase the runoff that goes through the pipe.

He said he will meet again with soil conservation.

Mayor Rogers is confident that Mr. Duplechain will represent the public as best as he can and asked if they would provide a letter stating what is being done for the benefit of the residents. Mr. Duplechain understands but stressed it is the law. Mr. Carmean asked that if nothing can be done, Mr. Duplechain should obtain a letter stating that.

Mr. Norris then reported the following uses are permitted in a C-3 district:

Warehouses, large retail outlets, indoor storage accessory buildings, fast-food restaurants and drive-in restaurants, supermarkets, truck and trailer rentals, roadside produce markets, memorial stone shops, outdoor commercial recreational facilities, swimming clubs, indoor facilities for amusement or assembly, and bus stations.

Conditional uses under the C-3 are as follows:

Motels or hotels with a minimum lot size of three acres, commercial greenhouse, wholesale establishment, newspaper publishing or printing establishment, contractors', craftsmen's or general service shops, including welding and similar shops, laboratory, testing and research, car repair shops, used car lots, telephone central office or television cable central office, service station, automobile sales agency, public garage, parking garage or lot, shopping centers, day care centers, car washes, convenience stores with gas pumps and community residential treatment programs.

In addition, all uses permitted in a C-2 are permitted in a C-3; in a C-2 zones, all uses permitted in a C-1 are also permitted which includes residential and multi family.

Mr. Workman said his concern is what will be allowed if the box store is not developed.

Mr. Carmean said that it appears the traffic and entrance/exit issues are being given to city council to change. He asked Mr. Duplechain to make sure the residents understand that Milford did not ask for these things nor were they approved by the city and to confirm this is strictly a DELDOT decision. He added these requirements will cost the developer a great deal of

money.

Mr. Duplechain explained that DELDOT wanted to make this a T intersection and close off Seabury. There has always been a connection shown on the plans. All the upgrades and changes to the road were mandates of DELDOT.

Mr. Duplechain said that what DELDOT is trying to do is to disperse the traffic so they are not all jammed up at one location. The multiple access points to the shopping center accomplishes that and is something that DELDOT has requested the engineers do. It appears it will work based on the traffic study and by specifically, closing off Seabury Extended.

Mr. Duplechain also reported that at the time this property was annexed, a portion of the property was zoned commercial and that the parcel was never completely zoned residential.

Ms. Marvel again addressed council stating that she is aware that a portion is zoned commercial, but that involves the frontage of the highway. Now the city is asking for entrances on Route 36 and is taking the commercial area back into the residential area. Where they live is all residential now but will become an extension of the commercial uses.

Mr. Duplechain pointed out that regardless of whether the project is commercial or residential, DELDOT would still require the connector road that runs along the property to remove traffic from Route 113.

Mr. Workman then made a motion to table this until a later date because of the number of questions that need to be answered. Mr. Brooks seconded the motion.

Mr. Duplechain verified the issues council wanted addressed which include the entrance and discussions with DELDOT and soil conservation though those issues are required by law. Mr. Workman added the runoff issue is a large concern and asked that it be confirmed. He understands there are rules, but prefers it be readdressed so the residents can have a better understanding of the process.

Mr. Workman is concerned with the runoff which could end up in Silver Lake and become possible contaminants. Ms. Wilson agrees with Mr. Workman and appreciates the public bringing this new awareness to them. She wants to make a decision that she will feel good about in the future.

Mr. Carmean added that Mr. Duplechain had also agreed to firm up the fencing and/or buffering matters in order to handle Mr. Hutson's concerns.

Motion carried with no one opposed.

Mayor Rogers declared the Public Hearing adjourned at 8:30 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 28, 2008

A Meeting of Milford City Council was held in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware on Monday, April 28, 2008.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, John Kramlich, John Workman, Clifford Crouch, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

Mayor Rogers called the Council Meeting to order at 7:41p.m.

Conditional Use and Preliminary Review of the Major Subdivision of Cypress Hall (DBF, Inc.)

Randy Duplechain of Davis, Bowen and Friedel, Incorporated returned to council to report on the additional findings with regard to the Route 36 entrance and the stormwater management and water quality issues as was directed at the public hearing in March.

He referred to an April 15, 2008 letter from DELDOT confirming the agency's wishes to keep the Route 36 entrance though they are willing to consider the elimination of the left in. If further explained about 15% of the total traffic using the site will enter through this entrance off Route 36. No widening of the roadway will be necessary with the removal of the lefts in movement.

Mr. Duplechain then responded to concerns expressed by Danny Fox regarding lighting issues in relation to the entrance. He reported that Mr. Fox also met with DELDOT representatives. DELDOT will not permit plantings in the right-of-way. As was stated at the previous hearing, the developer will provide buffering against noise and litter on the neighboring properties and limit runoff to the same level of the undeveloped land.

Mr. Duplechain reiterated that DELDOT feels the Route 36 entrance location is needed to help disperse traffic and help alleviate potential congestion on Route 113.

Mr. Duplechain recalled discussing the requirements of Sussex Conservation District in relation to stormwater management. When he met with Mr. Elliott, Acting Program Manager, Mr. Duplechain explained what he needed to help alleviate a number of concerns expressed by the public. The requirements of their department were again reviewed which included an environmental assessment documenting post-development discharge being no greater than the pre-development rate. All those things are in place in addition to assurance the larger storm events can be handled by the downstream channels.

Part of what was discussed at the last meeting was the water quality issue or implementation of quality and quantity. They must also meet those requirements as part of soil conservation. It was strongly recommended they implement best management practices (BMP's) which reduce or mitigate some of the adverse impacts. This involves some green technology and instead of doing management and discharge, they do bio-retention and infiltration type practices. Those requirements will also help with the overall water quality.

Mr. Duplechain said that the conservation district letter stands for itself in relation to the requirements they will meet.

Mayor Rogers thanked him again for reviewing these issues and bringing the information back to council as was requested in March.

The mayor then opened the floor for questions from council. Mr. Workman said he appreciates the information noting that runoff from a parking lot creates more pollution than vehicles parked on a street. His concern is gas and oil which drips

from vehicles. Knowing that oil will float on top, he hopes the system will work properly. He remains concerned about the location of the parking lot. He and the city manager went out and actually walked the site so he could have a better understanding of where everything will be placed.

Mr. Workman noted there are existing wetlands on the site. He asked that anything extra that could be done to prevent pollution would be appreciated to prevent the lake from any additional pollution. He wants the lake preserved so it can continue to be used for future recreation. He reiterated that he appreciates Mr. Duplechain's additional work on the matter.

Mr. Duplechain further explained that previous studies showed a strong relationship between increases in impervious cover to decreases in overall water quality. Best management practices reduce or mitigate some of the most likely adverse impacts. They are now working on other alternatives and are happy to address that. He said that fortunately, the soils on this site are such that can be done. However, that is not always the case when there are clays and related issues.

Mr. Carmean also reported that when Councilman Workman and he went to the site, they had a tendency to agree with the neighbor who was concerned about the privacy in his backyard will be greatly impacted. At the public hearing, Mr. Duplechain had already committed to adding buffering to protect his privacy. Mr. Duplechain reiterated that the adjacent properties on Seabury Avenue Extended would be provided buffering as was previously reported.

The city manager also repeated that though DELDOT will not permit buffering on their property, the offer for buffering is also being extended to the Fox property.

Mr. Duplechain concurred noting the proposed buffering is a six-foot fence along the entire side. The right-of-way along Seabury Avenue Extended is sixty feet and they hope to narrow it to fifty feet because it will become a local road. He hopes to provide them with some additional property, which is typically split down the middle, though they are willing to provide them the additional ten feet. Because of the reconfiguration, he advised that the property on the corner will almost double with the right-of-way that will be provided.

When asked for the planning commission's view, Planning Chairman Brendon Warfel reported it was unanimously recommended for approval. He explained this property has been under review by the city for sometime and a portion of the property was changed to add some additional commercial.

Chairman Warfel pointed out this meets the comp plan and is appropriate for the zoning. The conditional use must fit the area which the commissioners felt it did. The main concern was the traffic which primarily involved Route 36 as well as the buffering for the neighbors which the developer was willing to provide. When the final site plan is provided, the buffering would be shown between the residential and commercial properties. The other issue was the stormwater which Chairman Warfel feels they have addressed and continue to work on.

His opinion is the public was not against the entire project but only concerned about these specific issues. Nor was any planning commissioner against the entire project which is why the planning commission unanimously recommended approval.

In reviewing the related drawing, Mr. Crouch asked the distance between Route 113 and the commercial site. Mr. Duplechain estimated the distance of approximately 450 feet to the roadway. The DELDOT right-of-way is about 150 feet where buffering is not permitted. He also referred to the six out parcels along the highway corridor for future development. Landscaping will be provided on each of those parcels.

Representative Robert Walls then addressed council stating he has a concern about the stop light on Route 113 which is the main entrance into the shopping center. He stated there is then another entrance going into the park and an exit coming out of the park. He stated that traffic going north on Route 113, will be able to enter from the south. As a result, there are two intersections within 200 to 300 feet apart.

Representative Walls then explained this is across the highway from his business. He advised that tractor-trailers continually access his business. There are school buses that use the highway, then turn and go back south. He said it appears there will be too much congestion which will be a safety issue. He is unsure how much this has been reviewed, but thinks it needs to be looked at. He cannot understand how all these entrances, which are so close together, will be allowed on the highway

when someone cannot normally get a single entrance. He said there are two entrances going into the same shopping center and whether it will be a lumber yard or other store or other use, there will be traffic especially when considering the size of the parking lot. He feels that vehicles will end up of each other.

Representative Walls said a vehicle coming out of the parking lot going south will look to the north to see if something is coming. If a school bus is stopped, the driver will begin to merge without seeing the stopped school bus and a collision is evident. He believes this is a grave issue that someone must review mainly because it is a safety issue. According to Mr. Walls, he just found out about this matter. The bottom line is he does not think all of this is needed at one location.

Mr. Duplechain again reported that a full traffic study was done and submitted to DELDOT who responded with their comments. The plan meets all the requirements of DELDOT. He said the distance separation between the Route 113 entrances are between 800 and 1,000 feet. It may look like they right on top of each other in the picture because of its small size. He then referred to the substantial frontage at the site. He understands there is always a great deal of traffic on Route 113, but with the proposed improvements, he feels it is being addressed. He pointed out there is a signalized entrance, which is the main entrance, a rights in/rights out and a left in to the south. In addition, there is a Route 36 entrance which will help disperse the traffic. If they eliminate some of the entrances, it will then cause potential problems at other intersections. He believes traffic has been addressed correctly again noting they have been working with DELDOT the past year and a half to come up with the best solution. He believes that everyone involved is very comfortable with what is being proposed.

When asked how this interfaces with the residential subdivisions across the highway. Mr. Duplechain explained the signalized main entrance lines up with the adjacent Simpson Farm, which they hope will eventually be developed.

He reported the southerly entrance lines up with an existing crossover which is the one Representative Walls is concerned about. On the opposite side, he has his entrance coming into that location though it is an existing crossover; this will create a rights in/rights out or access point for them to utilize.

Mr. Workman pointed out that Wal-Mart has one traffic light going into their property and the only other way to get out is to exit from the rear of their property toward the bowling alley and onto Airport Road. He said if you look at Milford Plaza where Peebles is located, there is only one light, another exit going north on Route 113 and another entrance/exit next to the fire company off Northwest Front Street. Both Wal-Mart and the Plaza only have one traffic light. The McDonalds shopping center only has traffic light with another entrance/exit in front of Ace Hardware besides the entrance on the opposite side onto the Milford-Harrington Road.

He said there is one existing light at Route 36 and wonders why another light so close is necessary when all other shopping centers only have one traffic signal.

Mr. Duplechain explained the 36 entrance is not directly in front of this property so they are not actually accessing the Route 36 entrance as a signalized entrance. He explained the Wal-Mart shopping center runs directly to a signalized entrance. This is almost exactly the same situation. Wal-Mart has the entrance going to Airport Road and also the entrance that connects to the other shopping center where the old Wal-Mart was located. There is another connection that goes behind the old Wal-Mart to Warner Road which takes you to Route 113.

Mr. Workman feels the flow of the traffic at each of these locations is through only one light at each of these shopping centers. Mr. Duplechain feels this site would also be controlled by only one signalized intersection which would be the main entrance. There is no direct access to the Route 36 light.

Mr. Workman disagreed pointing out the access road is adjacent to neighboring properties and will be used by drivers coming from other roadways. In addition, Seabury Extended will become a cal-de-sac. He feels that realistically, more traffic from the shopping center will use the Route 36 light.

Mr. Duplechain explained that not having a light at the intersection was analyzed; but it was their belief it would increase traffic at the Route 36 and 113 intersection because the majority of traffic would then use that light. That is something the surrounding property owners did not want.

Mr. Workman explained the problem is having the light so close. He said when entering Milford from Route 1, by the time you hit the Peebles Shopping Center, there are eight lights. Adding another light after Royal Farms will only cause the current backups to become worse particularly during the summer. He reiterated there are eight lights between Route 1 and Route 14.

Mr. Duplechain advised the two signals will be sequenced so they do work together versus the older lights that do not have any connection to one another. That will greatly help the flow of traffic. In addition, they will most likely have to do some improvements to the 113 and 36 intersection. Another left turn and right turn lane will be added and the signal upgraded to connect to the new signal. They will work in tandem. If no signal is added, the situation will become much worse which is why DELDOT is recommending a signal be added. The separation meets the standards DELDOT requires for signals.

He emphasized that they have been reviewing and analyzing this process for a year and a half. He feels very strongly that what is being proposed will work best for that location. The signal will serve Cypress Hall and the Simpson Farm project.

Mr. Carmean again pointed out that Route 113 is a DELDOT road and falls under their jurisdiction. Their decision is the final word whether the city agrees or not. He asked for Mr. Duplechain to compare the distance of the North Walnut Street (Bob Evans) light to the Wal-Mart light to these two lights. Mr. Duplechain said it is comparable and within the same range. From Seabury Avenue to the entrance into Cypress Hall is a good distance. He added they are taking out the Seabury Avenue Extended connection so that vehicles will not be able to enter Route 113 from Seabury Avenue Extended on the west side.

Mr. Crouch said he understands DELDOT does dictate, but that does not mean we cannot try to protect the quality of life of our Milford citizens. In the summertime, it is very difficult to get across even when the lights are working and now we want to add another light. He stated this is Phase 1 of two phases and these out pads will be built and another piece added south of this light. Mr. Duplechain agreed there will be another entrance further south at the next crossover which will connect to the residential portion of the property.

He explained the traffic study considers the traffic that will be generated by the new project, the existing traffic on the roadway and another percentage of additional traffic to the build out year 2015. The numbers include an additional percentage to the existing traffic that is made part of the study. All proposed developments are also added in. Then an analysis is done which is based on the levels of service. According to Mr. Duplechain, it is a 'piling on' of projects to get the worst possible case scenario. There is a summer peaking factor also included.

Mr. Morrow then pointed out the development directly east of this commercial area that will require a traffic light regardless of this project. He said Seabury Avenue has been eliminated which will take some of the stress off the Route 36 light which mainly involves residential traffic at this point. Removing the left in will somewhat help the traffic at that point.

Daniel Fox then readdressed council stating he lives across the street from the Route 36 entrance. He stated he talked with the DELDOT representative Mr. Sapp who informed him that at first, they were going to have to acquire property from the people on the east side of Route 36 but that was changed. The DELDOT map showed a left turn in off Route 36. He said that will move the white line and if there was a shoulder, someone could pull off and park. In this case, the mail lady will use the area to put mail into the mailboxes. By his driveway, closer to Royal Farms, the white line is on the edge of the blacktop road, so there is no shoulder adding there is a three-foot drop between the road and his property.

Mr. Fox said another problem that has not been talked about are the children that live in the housing developments past him that ride their bicycles and walk to Royal Farms. He sees them every day. If this happens, there will be no shoulder to walk or ride on. These kids will continue to ride their bikes with the extra traffic coming out of this development. These drivers will be looking toward Route 36 to see if anything is coming and will pull out and not see that kid on the bicycle. He stated that kids do no pay attention to these drivers.

Mr. Duplechain said that something that was discussed previously. They had the left turn into the site which was going to require the road to be widened and would have allowed the bikes or walkers to stay within the rights of ways with widening with shoulders. Because of the neighbors' concerns regarding the amount of traffic at that location, DELDOT is now considering eliminating that left in. He said it is basically the roadway width on the north side of the property. They would

not expand the roadway to the north at all.

Mr. Fox said his other concern is the water issue. He said infiltration was mentioned and as Planning Commissioner Karen McColley mentioned at their hearing, there is a design with augering from one retention pond to the other. The DELDOT representative also referenced underground infiltration where large pipes are placed beneath the parking lot and no water runs off the property. It goes into the retention ponds and any overflow goes into these pipes and filters through like a regular septic system. In that way, according to Mr. Fox, there is no way water can runoff and contaminate his property and affect his livestock. Also, downstream, Silver Lake, the Mispillion River and the bay could be impacted. As Mr. Workman mentioned, he does not want to see them contaminated though they may be a little contaminated now, but their future must be considered. He feels it is easier to solve the problem now rather than having to address it when it is too late.

He asked council to consider these issues when they vote, that they push the issue for the underground infiltration system to prevent any water runoff and require it to remain on the property. The soil conservation people told him they would look into it and put that information in their notes.

Mr. Fox asked that augering also be considered as was suggested by Mrs. McColley.

The city manager relayed to the city solicitor that in fairness to the applicant, this was only to be a follow-up meeting. As a point of order, the public hearing ended at the March 24th meeting. He understands that is unpopular in this audience, but asked for an opinion on how long public comment is taken. City Solicitor Tim Willard said that after reviewing the minutes from the last public hearing, he said a motion was made to table the matter. The request was to leave the record open for a specific reason which was to allow the applicant to address stormwater management and the traffic entrance. He agrees with the city manager that this is not a public hearing and is an item on the meeting agenda.

Mr. Carmean explained that part of this job is to protect the city from lawsuits and council needs to follow protocol. His point with DELDOT is they are the authority. If council wants to override them, they can; but he is unsure what that opens council up to. Our county governments are learning about lawsuits and he is trying to protect the city in this case. He has no problem with the public speaking, though the time for that was during the public hearing and not during a council meeting.

Mr. Willard then referred to the City of Milford Code Chapter 230-14 C-3 that states shopping centers-subject to site plan review and the following site requirements: Traffic and parking-access to state highways shall be controlled by the State Department of Transportation.

Mayor Rogers pointed out that Mr. Duplechain was asked to meet with those agencies and return with their answers which he has done.

Mr. Duplechain understands the concerns with the shopping center, development and traffic. He asked if he could respond to Mr. Fox's question. He stated he has been in this business for over twenty years and has never had a project that has infiltrated the whole 100% of a storm event. Regulations allow you to meet your pre-development rates on the two and ten year storms and have a safe discharge for the larger storm events. He said that many times we have infiltrated what is called the 'first flush' which is the first inch of storm which causes concern and involves the grease and sediments. Typically it is sized for a water quality base whether it is infiltration or ponds. The soils attach to the sediment and then fall out into the ponds and this allows an extended period of time that first flush of water is contained. He has not had a project or heard of one where that occurred. He is unsure where that information came from but there are infiltration practices that can be used. The best management practices he talked about earlier involve some of those practices. It is the practice of bio-retention while you are infiltrating, planting grasses, for example, that take up the sediments and those type things. He emphasized it is impossible to infiltrate every storm event that would come off that site and that is not the intent of the stormwater management regulations.

Mayor Rogers thanked Mr. Duplechain for responding as he was directed by council. He then said that the decision of the planning commission needs to be considered noting this involves locals we are familiar with who have a reputation for doing things correctly. Some of the things DELDOT is requiring are costing the developer a lot of money but they are things that must be done. They set the precedence on the highway as is required by law.

Ms. Wilson then made a motion to approve the conditional use and the preliminary major subdivision of Cypress Hall based on the recommendation of the planning commission and DBF satisfying the concerns council requested answers on at the previous hearing. Mr. Morrow seconded the motion. Motion was denied by the following 3-4 vote:

Yes-Ambrose, Morrow, Wilson
No-Workman, Crouch, Brooks, Starling
Abstain-Kramlich

Mr. Kramlich stated that over the past four and a half years, he has voted favorably on this project many times. Up until recently, he was not aware of what might take place there with regard to the commercial use. The intention is to have a large grocery store. He works for Acme Markets and over the past few years, he has sent development and commercial papers and other documents to Acme to encourage them to come back to town. He has no idea what specific grocery store will go there, but feels this would exclude him from voting on this matter. He does not want to vote because he thinks it could come here; nor does he want to vote against it and it end up being a competitor. He wants those facts made clear and will abstain as a result.

Mr. Workman stated that what they want to do is a great thing. However, the traffic and light situation is a concern to him. He understands that DELDOT makes the decisions in these matters, but he also knows other areas that DELDOT backed off because of what council has said in other towns. He votes no.

Mr. Crouch said that he has debated this in his mind and if there was a plan for a bypass in Milford's future, he would feel much better about voting yes. But since the bypass is not in our future and does not look like it will be in our future, he has a real problem with the traffic and quality of life for our citizens and votes no.

Mr. Brooks has a concern about traffic. Two years ago, he told the city manager it took him 45 minutes to get from Kings Highway to Wal-Mart. Last year, the city manager experienced the same situation which he relayed to Mr. Brooks. With all the traffic lights and the situation with the school buses, he votes no.

Mr. Morrow said that council has looked at this noting it has been analyzed for a number of years. Even though it adds one more light, we are taking out access from the one intersection, but a light will be added regardless in the near future as these developments are built. He has lived here a long time and for years, council and the public have discussed the need for a home improvement store in Milford. They have met all the requirements and have gone above and beyond what was asked by council. There is a local person behind the application who is familiar with the building needs in this community and votes yes noting this is a good thing for the city.

Mr. Starling said that his concern is increased traffic and the congestion. He lives right off the highway and sees what is happening when he sits on his front porch. He said he knows it will probably pass anyway, but votes no.

Mayor Rogers announced the motion was denied.

Mr. Carmean asked whether a super majority is needed to overturn a decision of the planning commission. The city solicitor stated he needs to look into that and the related state code provision which he does not have with him. The vote is what it is, but he will render his opinion tomorrow morning when he can provide a clear answer.

The question was raised whether the city code states that two-thirds of council is needed to overturn a planning and zoning decision.

Mr. Willard said he does not want to duck the issue but wants to be clear and asked council respect that and allow him to more thoroughly review these issues.

Introduction of Ordinance 2008-7/Amendments to Chapter 92, Numbering of Buildings; Chapter 138, Grass, Weeds and Vegetation, Chapter 145 Housing Standards, Chapter 174, Property Maintenance and Adoption of 2006 International Property Maintenance Code

The city manager introduced the ordinance that will replace the current property maintenance code and repeal other ordinances which will make the entire rules governing these matters combined into one ordinance.

He asked council to review the proposal noting this will give our new code official more teeth in dealing with these issues. The amendment also includes some concerns council has brought forward.

The entire code is available on the city's website for the public to read. The ordinance is scheduled for adoption at the May 12th meeting.

University of Delaware/Milford Yes Campaign (continued)

Mayor Rogers then recognized David Stevenson who was speaking on a workshop item (refer to Workshop Minutes).

Councilman John Kramlich

Mr. Kramlich asked for the floor because this was his last meeting. He said it has been an honor and a privilege to serve the City of Milford for the past four and a half years. He found it a privilege to serve on the planning commission and then council and is grateful for the opportunity to get to know so many of those members on a more personal level. He thanked everyone for the opportunities and the memories as well as the support he has received.

Mayor Rogers then thanked Councilman Kramlich for his service noting how important the comments he made came from his heart. The mayor acknowledged the honorable campaigns he has been involved in and the many people he has come in contact with who will now be lifelong friends as a result.

Mayor Elect Dan Marabello then addressed council stating that when the city hall renovations are completed, he thinks it is only proper that at the time of the dedication and the first meeting, Mayor Rogers is invited to participate in that opening dedication and in the opening of the new chambers. In turn, he gave him a formal invitation to attend.

Mayor Rogers thanked Mayor Elect Marabello informing him his door will always be open to him and his administration for any help he can provide.

Cypress Hall Legal Opinion

City Solicitor Willard then referred to the previous vote on Cypress Hall noting Chapter 230-58(D) of the City of Milford Code states that in the case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

Mr. Willard said that in this particular case, the planning commission recommended approval, so his initial conclusion is that a super majority is not needed to overturn the planning commission's decision.

Mayor Rogers temporarily adjourned the council meeting at 8:45 p.m.

Special meeting resumed at 8:54 p.m.

Executive Session

Motion made by Ms. Wilson to go into Executive Session reference a personnel matter, seconded by Mr. Starling. Motion carried.

Mayor Rogers recessed the council meeting at 8:54 p.m. to go into Executive Session to conduct a discussion regarding a personnel issue.

Return to Open Session

City Council returned to open session at 9:31 p.m.

Mr. Crouch made a motion to affirm the decision made in executive session, seconded by Mr. Ambrose. Motion carried with no one opposed.

Adjourn

With no further business, Mayor Rogers declared the Council Meeting adjourned at 9:31 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 9, 2008

A Public Hearing was held before Milford City Council on Monday, June 9, 2008 in the Meeting Room of the Delaware Rural Water Association Facility at 210 Vickers Drive, Milford, Delaware to take final action upon the following matter:

Davis, Bowen and Friedel, Incorporated on behalf of Shawnee Farm LLC for a Conditional Use to allow a Shopping Center and the Preliminary Review of the Major Subdivision of 69.23 +/- acres into 8 lots, in a C-3 Zone, to be known as Cypress Hall on the southwest side of Route 113 at the intersection of Shawnee Road/Route 36. Tax Map No. 1-30-3.00-261.00.

PRESIDING: Mayor Daniel Marabello

IN ATTENDANCE: Councilpersons Irvin Ambrose, Michael Spillane, John Workman, Clifford Crouch, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Wilson

ALSO: City Manager Richard Carmean, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor Timothy Willard

The Public Hearing was called to order at 6:29 p.m. by Mayor Marabello who followed with a reading of the public notice.

Mayor Marabello announced that after receiving a request from the property owner, this application is being reconsidered based on a decision made by council on April 28, 2008. The hearing was properly advertised and notification provided to property owners within 200 feet of the site.

Attorney Robert Gibbs of Wilson, Halbrook and Bayard introduced himself on behalf of the property owner. Mr. Gibbs prepared and presented the following Proposed Findings of Fact with Conditions the developer has agreed to. After a complete review of the record, it was forwarded to City Solicitor Timothy Willard.

Randy Duplechain of DBF, Incorporated presented the application and a site plan of the site. He advised this is the same footprint as was previously seen. The only difference is the home improvement store is downsizing the store from the original plan by approximately 14,000 square feet which will shorten the southern end of the store. Instead of a 117 prototype which is 117,000 square feet, this will be a 103 prototype which is about 103,000 square feet of retail area.

They are proposing four entrances. One from Route 36, one fully signalized intersection on Route 113 which is the main entrance into the development, to the south will be a rights in/rights out and left in entrance and a future extension to the south into the residential portion.

Mr. Duplechain recalled the last presentation and the concerns related to the left in on Route 36. That was discussed with DELDOT who provided a letter stating they would consider eliminating the left in. What is now proposed at the Route 36 entrance is a rights out, a rights in and a left out with no left in into the project. That will be islanded off and extended down. Seabury Avenue Extended will become a cul-de-sac that will provide an access point to the city's water plant. He referred to the 60-foot right of way which they will request DELDOT turn over to the city and be narrowed to 50 feet since it compares to the city's minor streets.

With approval from DELDOT and the city, the additional ten feet can then be offered to the residents along Seabury Avenue.

In regard to buffering, they are proposing a privacy fence on the north side which would be within this ten-foot area. A landscape buffer will be provided on the south side of the site.

Mr. Duplechain offered to work with Danny Fox to buffer the entrance from their property. However, DELDOT will not allow buffering in the right of way. If he is willing to permit buffering on their property, they are willing to purchase the buffering and provide either fencing or landscaping.

On the stormwater management, an off site stormwater management evaluation will be performed to make sure the downstream channel can handle not only the flow from the development but also the entire watershed as was requested by soil conservation. Where possible, they will also implement some bio-filtration, bio-retention water quality type aspects to meet the water quality standards. A number of agencies asked if the paving could be reduced and they are willing to come before the Board of Adjustment and request a reduction in the amount of required paving for the shopping center. Presently there are 5.5 spaces per thousand which is well in excess of what is needed. They will probably request a reduction to either 5 or 4.5 spaces per thousand. That will allow less paving and more green space.

He added the size of the structures are the same with the exception of the home improvement store.

When asked about the cul-de-sac and who would make those changes, Mr. Duplechain explained that the paving thickness is adequate, but a cul-de-sac will be added and the connection to the highway will be closed off with a stub street to the water plant whose costs will be paid by the developer.

Mr. Duplechain pointed to the site plan noting the residential parcel on the corner is very small and if they agree to accept the additional property, it will almost double their lot size.

Mayor Marabello then opened the hearing for public comment.

Dan Fox of 17794 Oak Hill Drive, states he lives across the road from the proposed Route 36 entrance. He referred to the letter of reconsideration from Bruce Geyer. He stated in the letter that city council had asked to with Sussex Conservation and DELDOT to see what could be done to alleviate concerns of the neighbors. Mr. Fox said they got a letter from them and never saw them. Mr. Fox said he actually had to call the people to find out exactly what it stated which was only the minimum code for the stormwater. DELDOT did not give a stamp of approval but it was said DELDOT gave them the approval and stormwater gave them the stamp of approval. Mr. Geyer also brought up in the letter that this would resolve Mr. Fox's issues.

Mr. Fox said he brought up the underground infiltration at the previous meeting which is still part of stormwater management. He was trying to give more options to alleviate some of the stormwater running across his property because his biggest concern was his livestock.

The letter stated that he brought up new issues. Mr. Fox explained it all still pertained to the runoff.

He spoke to Mr. Elliott, who is the assistant manager for stormwater of Sussex County. Mr. Fox explained that each county has a code they have to follow. In speaking with the people in Kent County, they said each county is a little different. He asked Mr. Elliott if he ever had stormwater running across any property that had livestock. He could not remember this ever happening and stated Mr. Fox is the first one with this concern and agreed it could affect his livestock. No one else has that problem.

He also asked if the wet ponds will overflow. Mr. Elliott responded by saying no, they are technically designed.

Mr. Fox said to look at the Walmart in Seaford which is built to Sussex County code. That pond is built to the edge of the blacktop and anytime they have a little rain it is flooding the parking lot. With a two or three-inch rain, it is halfway to the building. They claim it will hold all the water but it does not.

He stated in the last three and a half weeks, since the weekend before Memorial Day weekend, we have had 8.9 inches of rain with 3.7 inches in one day. We had another 2 inches on race weekend and another inch and a half the other day. To break it down, you need 27,154 gallons of water to make one inch of rain on one acre. He got that statistic from two or three irrigation companies.

Mr. Fox said multiply that 8.9 inches out, per one acre, is 241,671 gallons of water. This proposal has approximately 40 acres of blacktop which comes out to 9.6 million gallons these retention ponds must hold which we got in the 3.5 weeks.

Mr. Elliott told him that a ten-year rain is approximately 4.5 inches of rain. From three straight days of rain, we had almost 6 inches of rain. Then we got another 2 inches not two weeks later which is classified as a five-year rain. Mr. Fox said these

retention ponds are supposed to hold all of the water. His biggest concern is the fact they say supposed to. He has watched the one at Walmart in Seaford which is built to the Sussex County Code which this developer is supposed to follow. It will breach and come across his property. His livestock will drink the water and if any of his livestock gets sick and he has a vet bill or one dies, he asked who is paying the bill. He asked if anyone here is willing to sign a paper, have it notarized saying they will pay this bill for the rest of his life as long as the developer is across from him. He wonders if Mr. Duplechain or Mr. Geyer would be willing to do that.

He said that Mr. Duplechain made a comment at the meeting they had at Representative Walls' business with DELDOT that he would sign it, but he has not seen it yet. No one has stepped forward and provided a piece of paper from a lawyer that will stand up in a court of law saying they will pay for his livestock if they get sick from drinking this water. He will have to foot the bill and he is the one that will suffer from lost production. He cannot afford that. There was a drought last year that hurt him and he had to sell quite a bit of his livestock. He has about twenty cattle with calves. He just had another calf born yesterday and he does not want to lose it. He enjoys watching it and his neighbors enjoy watching it along with other people sitting in this room. It is the last country thing people see before they come into city limits. It is also the first thing they see when they are heading home. It is a nice country scene with a little pond.

With the runoff, Mr. Fox also asked Mr. Elliott about the pond and what would happen if it was frozen during the winter. He has about a half acre pond in front of his pond which is L-shaped. Three years ago it froze. We then had a three-inch rain that froze over top of it which made a sheet of ice. He said it looked like white water rapids going across his pasture. His neighbor can contest to it because it was half way up to their property.

Mr. Fox advised these retention ponds will not hold any water back when it is frozen. The water will run across the ice. They also said it was designed to hold it technically, but when it is frozen it will not hold anything and will run across his property and contaminate his property. He has grass as a buffer to try to slow the water and collect the excess nutrients so it does not run down into the lake and into the Mispillion and on out to the bay. Part of his nutrient management plan is that he provide a buffer so it does not contaminate downstream.

He referred to Mr. Workman's comment about Silver Lake being somewhat polluted but we are trying to keep it clean. It is easier to take care of the problem before it starts because down the road it will cost big bucks to fix. That money will have to come from the city because Silver Lake is inside city limits. DNREC will probably foot a lot of the bill because they will be taking care of it.

Mr. Fox said during the planning commission hearing Mr. Duplechain made a statement that they had to have a left in off Route 36 because the four houses at the point have entrances on the back of their properties. He pointed out they need to get into their property. He tried to work with Mr. Duplechain and asked about a rights in only so allow vehicles leaving to get out to the highway come back around.

He does not have a problem with people going in but the problem is coming out because they will shine their lights into his house. If there is an accident, the police will be called. He will also be out there at two or three o'clock in the morning trying to round up his cattle which could involve a 1,500 pound bull that wants to cruise the neighborhood. It is different from a dog and you are not just going to put a lease on him and walk him back home. It will be difficult and require a number of people to steer him in the right direction toward his home.

If there is an accident there, it will tear his fence up. At three o'clock in the morning, it is hard to put a new fence up along with new posts to keep his cattle in.

Mr. Fox feels the wildlife and the citizens of Milford and people traveling to and from Milford need to be protected. He is concerned that if a cow gets out on the road and is hurt or hurts someone and hopes they will not be killed as has happened in similar cases.

He cannot imagine how traffic will increase because he cannot get out on the roadway now. When he goes out with a piece of equipment, it takes a half mile to get to its top speed of 16 miles an hour. There are a lot of tractor trailers and trucks because they are taking barley off and are getting ready to take wheat off. Milford Granary is a big company for neighboring farmers. There is a lot of traffic and a lot of big farm trucks coming through this area at slower speeds. When a car pulls out in front of them, a tractor trailer with a thousand bushels of grain is unable to stop on a dime and instead will

plow them down.

Karen Colletti of 6681 Shawnee Road then reported she has an LPP system on her property line which is 50 feet from the large water retention pond and causes her concern. She has a lot of clay on her ground so she does not have a lot of drainage and that is the only place her septic can go. Ms. Colletti is also concerned with the rain we have had with water backing up. Ms. Colletti stated that Sam Powell put her septic in and he said it will ruin her septic. There is no where else on her ground it can be placed. She is also concerned about the snakes and mosquitos that come with the drainage system. She said the buffer they are adding along the residential lots goes along the foot of the retaining pond and not the back where her property is. That buffer is meant to protect the neighbors.

Ms. Colletti also has concerns about the traffic. Her kids grew up there and went up and down the road many times but kids can no longer do that. She has grandchildren now who can't do that. She sees kids on bicycles. There is no protection for them from the traffic. No sidewalks exist and there is no way to make the road wider. There is no room for a safety walk. She does not want traffic encouraged to use Route 36 to keep everything away from the intersection at Route 113 and 36. Nothing has changed and she questions why we are here again. There is still no bypass and this will still create the same amount of problems and concerns for the residents. She understands the group opposing this is only a small group of people, but noted that Milford is made up of different groups of people.

Ms. Colletti feels their concerns are legitimate and asked that council should consider them.

Trish Marvel of 6525 Shawnee Road stated that Seabury runs behind her house and she is one of the four houses at that point. She said she has the same concerns she had before. She understands that we have to move forward and progress is important and Milford wants to grow and prosper. It will create jobs and there are a lot of wonderful things that will happen by bringing in this type of business. However, it is not the most logical place to put it. The infrastructure next to Walmart is typical of where a box building should go. That is a pattern with Seaford and Dover. She asked why is Milford putting a box building in a residential area. She asked if any consideration was given to placing a box building in an area already conducive to the traffic with lights and entrances, roads and property. Ms. Marvel emphasized she is not opposed to residential going into that area.

She asked if consideration has been given to putting this box store somewhere other than where they are proposing. Ms. Marvel asked specifically about the Walmart area where the infrastructure exists for a large building and a huge parking lot. She said council needs to answer that.

Ms. Marvel said this location is a total destruction for livestock, safety and traffic reasons. She feels Route 1 is considered a commercial piece of land but when you bring all of that traffic into the residential, what does that do to their residential area. She noted that these people have lived in this area for twenty and thirty years.

She understands it is a small group and only represents a small portion of Milford but their concerns are very valid. She asked if consideration could be made to have it somewhere else in Milford. She does not disagree that Milford does not need a Lowe's or a Home Depot, but this location is not conducive to what is proposed. They can put barriers up and fences up but it will not eliminate the traffic and everything else that goes along with it.

Councilwoman Wilson responded by saying the first thing that comes to mind is that when individuals come to Milford and are interested in specific land, they do not come to council first. A developer purchases or contracts the land and until it gets to the point when the plans are in place and they must come before the city is when council gets involved. Neither the city nor council goes to these developers and tells them they want a home improvement business or any other type business on a specific piece of property.

Ms. Marvel feels that because part of this project is residential, she feels the scope of the project should be changed and the entire piece made residential. All the things that go with this from a residential perspective make sense to her. But the box building and traffic, runoff and rerouting roads, adding lights and putting an entrance off Route 36 that is related to this type business does not make sense.

She feels there are industrial areas for this type of business. Ms. Marvel said cutting the size of the building is not that much when you think about it because it is really not being reduced that dramatically. She said her husband spoke to DELDOT

today and they were told things that are not valid. They have alluded to the fact they have received DELDOT approval. She believes they may have had a conversation with DELDOT and verbally got some direction, but her husband talked to someone today specifically for this area and there is nothing that has been officially approved. She thinks that some of this has been done underhanded and is trying to be shoved down the residents' throats without them knowing all the facts. Ms. Marvel ended by saying there is a lot at stake.

David Marvel of 6525 Shawnee Road said he is the husband Ms. Marvel was referring to. He stated that he talked with Derek Sapp who works for DELDOT. Mr. Marvel said that Mr. Sapp indicated he knows nothing about getting this piece of land from the developer. He indicated that nothing has been given or nothing received and this is all basically a pipe dream. He gave Mr. Marvel permission to use his name (Derek Sapp-telephone number is 760-4803).

Councilman Workman asked Mr. Marvel what Mr. Sapp's position is with DELDOT and if he is in a position to make decisions on this type of development. Mr. Marvel said he is the head of the development area and after talking with three different people, someone gave him Derek Sapp's name. He is in charge of this area and would know if anyone does. He said that he knows nothing about receiving anything about this dream.

Mr. Duplechain stated a number of those present attended the meeting that was held at Walls Farm and Garden Center. He advised that Derek Sapp (Subdivision Manager for Western Sussex County) was one of the individuals there along with DELDOT Engineer Supervisor Marc Cote'. Mr. Duplechain explained that Mr. Sapp is very familiar with this project. A traffic impact study was done through DELDOT which included the Simpson Crossing, Milford Ponds, some of the traffic from Hearthstone Manor, Meadows at Shawnee, Fitzgerald's Industrial Park, Knollac Acres and the Solid Waste Authority. Full build out of all those developments was part of the study along with the full build of this project.

Mr. Duplechain added that Mr. Sapp has been intimately involved with the discussions related to the entrances and is actually the person who wrote the letter related to the Route 36 entrance. He and/or Mr. Cote', who is Mr. Sapp's boss, have been part of these discussions.

He also explained that the approvals will not be granted until the conditional use is approved and the construction documents are submitted for review. This will also be done with the other agencies as well. The design approval process is not started until the preliminary and conditional use approvals are granted by council. Mr. Sapp may have been referred to the construction plans only because they are not in a position to submit them yet. But they are familiar with the entrances and DELDOT is the one who made those recommendations.

Attorney Rob Gibbs then referred to the statement made by Mr. Marvel regarding DELDOT not knowing anything about the change at the Route 36 intersection of lands being added to the properties, etc. He said that in fairness to Mr. Marvel, he does not think DELDOT is on the same wavelength on that proposal by the developer. That came about as a result of the meeting where this body asked for additional information on the Route 36 intersection. As a result, there has been a supplement to the record. Mr. Gibbs said it is not a pipe dream and is actually part of the record. He referred to the April 15th letter which was provided to the council that explained the changes requested to Route 36 that were discussed with DELDOT. DELDOT responded by talking about the left in and some changes to Route 36.

He then referred to Mr. Duplechain's earlier statement about one of the conditions they are proposing which is item B on the list of conditions they propose to be attached to this approval. "*At the request of the city hereafter, applicant will request that DELDOT eliminate the left-in access to Cypress Hall from Route 36*". He explained that depends on whether the city wants this. He reiterated that DELDOT owns the right of way and they would have to give the right of way in order for the developer to create the buffer and the ten-foot strip along the back of those lots that back up to Seabury Avenue Extended. That would have to be asked for by the city. If the city agrees that it can be done, the developer will request DELDOT abandon that 60-foot right of way to the city for management. The city would then ask the developer to go ahead and make their application. If that can be done and right of way reduced to 50 feet, then the additional ten feet can be dedicated to the property owners. The developer would then, again at his cost, undertake the fencing and buffering proposed in writing as one of the conditions. He agrees DELDOT would not know about that specifically because at this point, it is being submitted in writing as a condition of this approval first. He hopes that will clarify that issue.

Kathy Weldon of 6494 Shawnee Road explained she is directly across Route 36 and one of the major impacted properties. She said she received no notification about the proposed changes to Route 36. Neither has any of her other neighbors on

the north side of Route 36. She feels that is why the original meetings and public hearings for this development received less response from the residents because they were not told how badly the congestion was going to be or how restricted the ingress and egress from their own homes was going to be. The congestion on Route 36 has been building over the years. This is not going to improve it.

Ms. Weldon agrees with Ms. Marvel that disrupting an established neighborhood is detrimental to the community. She has also suffered severe flooding and her property abuts the property of Mr. Fox. A previous rainfall has caused loss vegetation and she does not see how this will improve that. She has been flooded before.

Chuck Rini of 119 Ginger Lane stated he is a member of the planning and zoning commission. However, he is speaking as a proud citizen of the City of Milford. He heard a couple of people mention the Walmart area and he lives behind the Walmart area in a residential community. He has no problem with the Walmart setup or the traffic flow. As a private citizen, he feels very strongly in favor of this project mainly because it will be very good, through his eyes, for the city. He believes it has the potential to create several hundred much-needed jobs that would go to the people in Milford. He also believes it will create a new found tax base for the City of Milford and numbers may be in the several hundreds of thousands of dollars.

Mr. Rini explained that box stores are now offering a larger selection of merchandise. He remembers sitting in this room listening to one of the heads of a medical center facility when he was questioned about the lack of doctors coming to the Milford area. The gentleman spoke and said that one of the first questions asked by any candidate coming to the Milford area as a doctor or medical professional, is what type of shopping is available for their families. He feels we need to improve the shopping in Milford in order to receive more professional people here.

Also as a personal note, Mr. Rini stated he is not a farmer and he will not suggest he knows anything about farming. But he believes that from an economic basis, if you become anti-development and developers do not want to come into the Milford area, if you are a farmer and you want to sell your farm, you eliminate the possibility of selling it to a developer. In the past, farms were handed down from family to family, generation to generation, though that is basically fading from the American scene. He said all you have to do is go to the Department of Agriculture to see how much farm land this country is losing on a daily basis which he thinks is a critical situation.

Being a citizen of Milford, he wants to say that he strongly supports this project and believes it would be a tremendous asset to the city and the people of Milford.

Ms. Marvel again spoke stating she is not opposed to progress. She thinks having a box store in Milford would be great, but it is this location that is her concern. She is not against progress and creating jobs and all those wonderful things along with taxes, but this location is her problem.

Butch Comstock stated he has a business at 6706 Shawnee Road. He says he respects all the neighbors' thoughts about water and those issues. Where he is located, there is a lot of rain that comes down Route 36. He is not disagreeing with the neighbors, but there is already a water problem and it does come down Route 36 by his shop and may not have anything to do with the box store. He stated that before everyone gets upset about water, it may not be an issue if there is a culvert under the road. It could be coming from the right side of the road and having nothing to do with it. He is somewhat in favor of this, but respects the neighbors' concerns. It would be nice to have this in Milford. He agrees traffic is heavy to begin with and he is unsure whether a box store would make it worse. His question was about the water issue if that is the main concern.

Mayor Marabello asked whether anyone else wished to speak; there was no response. Seeing no response, the mayor declared the public comment period closed at 7:16 p.m.

Mr. Duplechain asked to respond to a number of items discussed. One is in regard to the comment about the water coming down Route 36 which he understands is a substantial amount of water that comes down Route 36 and ends up in this same location. The study required by soil conservation is not just on this property and the surrounding properties. They are actually looking at the entire watershed which would include the water coming down Route 36. That will be taken into account when we look at the downstream affect of not only this shopping center but that whole area. Depending on what is found, they may be able to make improvements downstream that would address some of the flooding issues they currently

have.

Their requirement is they cannot discharge any more than is already being discharged. It is a soil conservation requirement. He is hoping the study will reveal some improvements that will benefit everyone in the area.

Mr. Duplechain said there was a discussion related to why this is occurring on this site and not next to the Walmart. He explained there is not enough property at the Walmart location. There is only one piece left with some size to it. It has been looked at previously for a potential home improvement store but not deep enough to handle it. Additionally, the adjacent property owner was not willing to sell his property. As a result, that location would not fit a home improvement store.

He noted that this property is zoned C-3 and has been zoned C-3 for sometime. They have gone through the public hearing process to have it annexed and zoned. It is a use that allows highway commercial. If this project is turned down, the likelihood of something being commercial on that property still exists without needing a public hearing for a conditional use. It has been shown as a location that can handle commercial in addition to the traffic. According to DELDOT, the studies show it can handle this development.

There were no questions or comments from council for Mr. Duplechain.

Mr. Workman asked to comment about the four residences on the end of Seabury Avenue Extended and the rights in and rights out. He feels that is something that can happen because when they first came up here, they said they would be able to do that. Tonight they said they would not be able to make that left. He went to this location but no one was home. He agrees they use their backyard to access their properties and he thinks that may be something we should consider in reference to putting in a cal-de-sac in and their right in and right out.

Mr. Workman said in regard to the retention pond, he understands where Mr. Fox is coming from but we also have experts and procedures and policies to make sure the regulations, not only for the city but also for the state, are met. If something occurs as did in Seaford, he feels we can address it then. But if they have met all standards, that is what is required.

He stated that council is here tonight to decide if we want this development. The majority of people in Milford want this development. Ms. Marvel asked why not put residential in there instead of the box store. Route 113 is zoned commercial. The whole idea was this stretch be commercial development. If it was made all residential, Mr. Workman feels that would generate even more traffic than this box store. This box store opens and closes at specific times. Residents would come in and out twenty-four hours a day and each home would have two to three cars.

Mr. Workman said we are also trying to bring businesses into Milford. He understands the residents concerns who live there, but Mr. Workman feels the developer will work with them in reference to the buffer because they understand it is a concern. He pointed out that council needs to look at the future of Milford as well. He feels all the questions have been answered by DELDOT and water conservation.

Mr. Workman will ask that the rights in/rights out be considered because the residents are affected by this development. He agrees they need to get in and out of their properties and there was a change made tonight from the initial plan presented.

Ms. Wilson asked if the engineer can address the right in and right out issue again and how it will affect this plan and Mr. Workman's reference to the change in the plan.

Mr. Duplechain referred to the drawing of the area, noting that DELDOT was very adamant about people going through the Route 36 intersection to make a right. They felt they would be doing a cut-through using Seabury Avenue Extended which would generate additional traffic. The rights-in from Route 113 is another access point that would bring more traffic behind the residences. He would be more concerned if he were a resident along Seabury Avenue Extended with leaving Seabury Avenue Extended rights in/rights out connected to Route 113. He thinks DELDOT eliminated the left-in at Route 36 because council asked the developer to come back. He believes they felt they could eliminate it because the movement could occur at Route 113 and Lakeview Avenue and the left into the site at the main entrance. He thinks that DelDOT would prefer to keep the left-in at Route 36 but because of the residents' concerns related to the amount of traffic using Route 36, DelDOT agreed the left-in could probably be eliminated.

Mr. Crouch said he was under the impression there was a left in being eliminated off Route 36.

Mr. Duplechain agreed and pointed out that in the original plan, there was a left turn coming into the site from Route 36. This movement was eliminated to stop some of the traffic using Route 36 to get to the site. The reason DelDOT want to keep the left out is because if it were eliminated someone heading west from the shopping center would have to use the main Route 113 intersection, make a left out onto the highway, and then make another left to get onto Route 36. Keeping the left out is an easier connection when going in westerly direction.

Ms. Wilson asked how the change was made to eliminate the left in. Mr. Duplechain explained the change was made based on the concession by DELDOT who said there was concern related to the amount of traffic coming into that area. To help reduce the traffic, they were willing to allow the left in to be removed. They also discussed the possibility of eliminating the left out and doing a rights in/rights out. They felt it was important to keep the left out and were willing to remove the left in.

DelDOT was not keen about leaving the rights in/rights out because of the amount of traffic it would generate behind the homes on Seabury Avenue Extended.

Mr. Spillane said that because the store is being downsized, he asked if the storm pond can be increased.

Mr. Duplechain explained that the stormwater pond will be made as large as possible and if it can be oversized, they will do that. But they have to meet their requirements. He explained the store is shortening the one side by 45 or 50 feet. That strip of area will be used as a bio-retention area. This will allow stormwater to be sent from the parking lot to the bio-retention area which will connect to the stormwater management pond. They are also hoping to reduce the amount of parking spaces which by nature itself will reduce the amount of impervious surface and in turn, reduce the amount of stormwater management that would be necessary.

Depending on if it can be reduced, they would be doing some bio-filtration along the front for a water pond purpose. In essence, Mr. Duplechain feels they are expanding stormwater management where possible. He believes they are sized properly and if it is found it is not enough, they may do something in the area near the discharge pipe. It should be adequate considering the size of the ponds and the fact that the majority of the water will be directed to the stormwater ponds. The two ponds will be interconnected and will basically act as one. The discharge point would be at that location.

In regard to the concern about the water coming down Route 36, they will review the entire area in this study and will do an off site analysis.

Mr. Spillane referred to the road going out of the shopping center and asked if there is anyway to put something, such as a steel barricade, across the other side of the road to prevent that vehicle from hitting Mr. Fox' fence. Mr. Duplechain said that would have to be a decision of DELDOT though they may consider a guardrail of some sort particularly considering the steep drop off. DELDOT could possibly allow a guardrail as opposed to landscaping. He reiterated they will definitely consider that.

No one else from the council commented.

Mr. Crouch moved for approval of the major subdivision of 69.23 +/- acres into 8 lots, in a C-3 Zone, to be known as Cypress Hall, seconded by Ms. Wilson.

Mr. Willard directed council to state their reason for their vote.

When asked for questions, Mr. Spillane mentioned the possible addition of another storm pond, Solicitor Willard explained that they will have to come back for finals, including a final site plan, which will be much more detailed. As the applicant already indicated, they will receive final Sussex Conservation District approval based on many of the items discussed this evening. In addition, other approvals will be required including a final approval from DELDOT.

Motion carried by the following unanimous roll call vote:

Mr. Ambrose stated that gasoline officially hit \$4.04 a gallon today across the United States. Any elimination of driving on behalf of the citizens should be taken into account and he votes yes.

Mr. Spillane votes yes and states he believes the contractor will try to work with the people in the surrounding area and will keep an eye on the storm drainage problem.

Mr. Workman wants the developer to know that he believes they want to work with the residents and because their lives are being uprooted because of the construction. This is important and a lot of his constituents have called him in favor of this and only a couple have said no. Most of the people that called him were in favor of this. He got his answer from DELDOT and he knows the retention pond must be by code and votes yes.

Mr. Crouch votes yes because it will bring jobs to Milford. Also in doing some research, the bypass is not dead though he would feel much more comfortable if it were on the drawing board but votes yes.

Mr. Brooks votes yes taking into consideration a couple hundred new jobs. The main reason he voted no last time was because of traffic. But he has since met with DELDOT at Representative Walls' business when this was discussed. DELDOT was going to try to improve it and he has always been told that no project can be approved unless it receives approval from DELDOT.

Mr. Morrow also votes yes and he has supported it mainly because the planning commission supports it.

Mr. Starling votes yes because it will bring more jobs to Milford. He, too, feels that DELDOT will continue to work to improve the roadways and the developer is willing to work with the neighbors.

Ms. Wilson votes yes based on the planning commission recommendation who have already done a majority of the leg work. The engineer and developers have complied with all the previous requests of council in addition to DELDOT's support and work on the project.

Solicitor Willard then read the following conditions submitted by the developer this morning and recommended that if the conditional use is approved, they be included in the approval:

1. Applicant will work with DELDOT to determine the amount of right-of-way dedication that will be required and will obtain entrance approvals prior to entrance construction.
2. At the request of the city, the applicant will request the DELDOT eliminate the left in access to Cypress from Route 36. At the request of the city, the applicant will request that DELDOT abandon the right-of-way of Seabury Avenue Extended to the City of Milford for maintenance. If the city thereafter approves the reduction of the right-of-way to 50 feet, and the dedication of the northernmost 10 foot residual to the property owners along Seabury Avenue Extended, the Applicant will undertake the 'Fencing/Additional Buffering'; i.e., applicant will construct a 6-foot residual to the property owners along Seabury Avenue Extended property owners' properties, and will install a landscaped buffer with plantings along the northern side of Seabury Avenue Extended ("Fencing/Additional Buffering").
3. Applicant will construct a shared use path in the DELDOT right-of-way along the development frontage along U.S. Route 113, as approved by DELDOT.
4. Applicant will seek approval of the City of Milford Board of Adjustment to reduce the number of parking spaces to meet actual or anticipated demand in order to reduce impervious surfaces.
5. Applicant will comply with Sussex Conservation District's requirements as set forth in its letter to DB&F dated April 22, 2008.

Ms. Wilson moved the conditional use be approved, subject to the above five conditions, as read into the record by City Solicitor Willard as outlined in the Proposed Findings of Facts and Conditions dated June 9, 2008 for Shawnee Farm, LLC and Cedar-Ironwood Cypress Hall, LLC. Motion seconded by Mr. Crouch.

Mr. Workman suggests that in the future, any document submitted for a council meeting be provided in time to be included in the council packet which is finalized the Wednesday prior to the meeting. It is important that council have sufficient time to review any paperwork and that it not be allowed once the packet is done.

Mr. Willard then reviewed and read into record, the following criteria for evaluation for a conditional use per Section 230-48 of the city code:

The presence of adjoining similar uses.

An adjoining district in which the use is permitted.

There is a need for the use in the area proposed as established by the Comprehensive Plan.

There is sufficient area to screen the conditional use from adjacent different uses.

The use will not detract from permitted uses in the district.

Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

Mayor Marabello then asked council to state their reasons for their vote.

Mr. Ambrose votes yes stating this is a conditional use in the C-3 zone.

Mr. Spillane votes yes for the same reasons stated by Mr. Ambrose.

Mr. Workman states that everything is in black and white and is on record so the developer is aware of what needs to be done and votes yes.

Mr. Crouch votes yes because it is an approved use of the property through a conditional use and it is a commercial property that adjoins additional commercial property.

Mr. Brooks votes yes based on the conditions that Solicitor Willard read into record.

Mr. Morrow votes yes as he did during the initial vote because it meets the criteria of a conditional use.

Mr. Starling votes yes for the same reasons stated by Mr. Morrow.

Ms. Wilson votes yes based on the application meeting the criteria in our code as was read by Solicitor Willard.

Motion carried by unanimous vote.

Mr. Crouch moved for adjournment of the Public Hearing, seconded by Mr. Workman. Motion carried.

The Public Hearing adjourned at 7:43 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City of Milford

Attachment

§ 230-14. - C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A.** Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B.** Permitted uses. Permitted uses for the C-3 District shall be as follows:
- (1) Those uses permitted in the C-2 District.
 - (2) Warehouses.
 - (3) Large retail outlets.
 - (4) Indoor storage accessory building.
 - (5) Fast-food restaurants and drive-in restaurants.
 - (6) Supermarkets.
 - (7) Truck and trailer rentals.
 - (8) Roadside produce market.
 - (9) Memorial stone shop.
 - (10) Outdoor commercial recreational facilities, not motorized vehicles.
 - (11) Swimming club.
 - (12) Indoor facility for amusement or assembly.
 - (13) Bus station.
- C.** Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

[Amended 10-12-1998 by Ord. No. 10-1998]

- (1) Motels or hotels with a minimum lot size of three acres.
- (2) Commercial greenhouse.
- (3) Wholesale establishment.
- (4) Newspaper publishing or printing establishment.
- (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
- (6) Laboratory, testing and research.
- (7) Car repair shops.
- (8) Used car lots.
- (9) Telephone central office or television cable central office.
- (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
 - (a) All facilities shall be located and all services shall be conducted on the lot.
 - (b) All repair work shall be conducted within an entirely enclosed building.
 - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.
 - (d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
 - (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
 - (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
- (11) Shopping center, subject to site plan review and the following site requirements:
 - (a) The total shall not be less than one acre.
 - (b) The site must be served by public water, sewer and electricity.
 - (c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.
 - (d) Traffic and parking.
 - [1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.
 - [2] Access to state highways shall be controlled by the State Department of Transportation.
 - [3] The minimum distance between accessways and a residential district shall be 50 feet.
 - [4] Spacing of accessway.
 - [a] From adjoining property: 50 feet.
 - [b] From minor intersections: 50 feet.
 - [c] From major intersections: 100 to 150 feet.
 - [5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.

- [6]** Parking lots shall be attractively landscaped as shown on the general site plan.
- (e)** Setback.
 - [1]** From street right-of-way: 15 feet.
 - [2]** From nonresidential districts: 15 feet.
 - [3]** From residential districts: 100 feet.
- (f)** Buffering and landscaping.
 - [1]** There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.
 - [2]** Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.

(12) Day-care centers, with site plan required.

[Added 10-14-1991]

(13) Car wash, all types (staffed, automatic, self-service, etc.).

[Added 6-14-1993]

(14) Convenience stores with gas pumps.

(15) Community residential treatment program.

[Added 9-13-1999 by Ord. No. 6-1999]

(16) All dwellings other than single-family with a maximum density of 12 units per acre.

(17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

- (a)** Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.

(4) Height of buildings shall not exceed three stories or 35 feet.

(5) Minimum building setback shall be 30 feet.

(6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.

(7) Minimum rear yard shall be 50 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Signs shall comply with the requirements provided in Article VI of this chapter.

[Ord. No. 2008-18, § 3, 8-24-2009; Ord. No. 2009-22, § 2, 9-27-2010]

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> [Chapter 230 - ZONING](#) >>
[ARTICLE IV - Off-Street Parking and Loading](#) >>

ARTICLE IV - Off-Street Parking and Loading

[§ 230-20. - General provisions.](#)

[§ 230-21. - Parking and loading standards.](#)

§ 230-20. - General provisions.

- A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:
- (1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
 - (2) Be attractively landscaped and screened from neighboring residential lots.
 - (3) Not extend into any required front yard areas, except for the driveways.
 - (4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.
- B. Parking space size. A parking space shall not be less than 200 square feet, with a minimum of 10 feet wide, for any use permitted in this chapter. Upon appeal, however, the Board of Adjustment may grant variances from this size if a particular hardship will occur or if the design of a parking arrangement may be determined to justify a smaller parking space size than is provided for in this article.
- C. Parking spaces in driveways. Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.
- D. Location of parking spaces. All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.
- E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.
- F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:
- (1) North Walnut Street and Northeast Front Street.
 - (2) Park Avenue and Northeast Front Street and Denney Row.
 - (3) Park Avenue and North Washington Street.
 - (4) Southeast Front Street between South Walnut Street and Church Street.
 - (5) Southeast Front Street and South Washington Street.
- G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile.
- J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

§ 230-21. - Parking and loading standards.

- A. Design standards (general).
[Amended 12-14-1992]

- (1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:
[Amended 10-12-1998 by Ord. No. 10-1998]

| Parking Angle | Stall Width (feet) | Aisle Way to Curb (feet) | Aisle Way Width |
|---------------|--------------------|--------------------------|-----------------------------------|
| 90° | 9 | 18 | As required by State Fire Marshal |
| 60° | 9 | 20 | As required by State Fire Marshal |
| 45° | 9 | 18 | As required by State Fire Marshal |
| Parallel | 10 | 20 | As required by State Fire Marshal |

- (2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).
- (3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.
- (4) Exceptions to the design standards shall be permitted as follows.
- B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

| Types and Uses | Required Off-Street Parking Spaces |
|--|--|
| Retail stores and shops, all types, supermarkets, retail food stores and undertakers | 1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees |
| New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions | 4 per salesperson, plus 1 per per 2 employees during the period of greatest employment |
| Personal service establishments, laundromats and dry cleaning | 1 per 200 square feet of gross floor area |
| Banks and other financial institutions | 1 per 200 square feet of gross floor area, plus 1 for each employee |
| Business, governmental and professional offices | 1 per 100 square feet of gross floor area |
| Medical and dental offices or clinics [Amended 7-14-1997] | From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics |
| Hospitals | 1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment |
| Sanatorium or nursing home | 1 for every 4 beds |
| Churches and other places of worship | 1 per 5 seats |
| Indoor and commercial outdoor recreation | 1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility |
| Restaurants, taverns and similar uses | 1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment |
| Dwelling, one-family detached, semidetached or mobile home | 2 1/2 per dwelling unit |
| Dwelling, townhouse, garden apartment or multifamily dwelling | 2 1/2 per dwelling unit |
| Rooming and boarding house or converted unit | 1 per rented unit |
| Museum, art gallery and similar use | 1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment |
| Public library | 1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment |
| Fire station | 25 |
| Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center | 1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the |

| | |
|--|--|
| | accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility |
| Social club and fraternal, social service, union and civic organization building | 1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses |
| Public or private school | 3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public |
| Industrial, manufacturing or wholesaling establishment | 1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales |
| Hotel and motel | 1 for each guest room plus 1 for each 3 employees |

- (1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space. The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

- (1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:
- (a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:
- [1] Five thousand to 7,999 square feet of floor area: one berth.
- [2] Eight thousand to 19,999 square feet of floor area: two berths.
- [3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.
- (b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:
- [1] Eight thousand to 20,000 square feet of floor area: one berth.
- [2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.
- (c) Each manufacturing, office research and industrial establishment with a total of 3,500 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.

- (2) Loading spaces shall not be allowed in any front yard of any property.

[Ord. No. 2010-14, § 2, 9-27-2010]

§ 230-19.5. - Source Water Protection District.

[Added 3-24-2008 by Ord. No. 2008-2]

- A.** The purpose of the Source Water Protection District is to protect public health and safety in the City of Milford by minimizing contamination of aquifers, preserving, and protecting existing and potential sources of drinking water supplies. The district shall be established in delineated wellhead protection areas around all public water wells and excellent groundwater recharge potential areas located within the corporate limits of the City of Milford.
- B.** Superimposed district; effect on other provisions.
- (1) To enable the Source Water Protection District to operate in harmony with the land use component of the City's Comprehensive Plan, subdivision and zoning regulations, the Source Water Protection District is created as a special district to be superimposed on other districts contained in the City of Milford's Zoning Ordinance.
 - (2) The requirements and provisions established in this district shall prevail over conflicting requirements of the zoning and subdivision ordinances.
- C.** Source water protection area maps
- (1) Overlay maps prepared or provided by the Department of Natural Resources and Environmental Control (DNREC) delineating wellhead protection and excellent groundwater recharge potential areas in the City of Milford are included as a part of the City's Official Zoning Map and shall be designated as the Source Water Protection District.
 - (2) The maps shall be utilized by the administrative official in determining whether a lot or parcel lies within the source water protection district as described in Subsection D of this section. The lack of an indication on this map as to whether certain property is within or outside of the boundaries of this overlay district shall not be constructed as a conclusive determination that said property is within or outside the boundaries of the source water protection overlay district. Rather, the controlling factor in making such a determination shall be the description contained in Subsection E of this section.
- D.** Source water protection standards.
- (1) For a confined wellhead, the wellhead protection area shall be 150 feet from the wellhead.
 - (2) For an unconfined wellhead generating fewer than 50,000 gallons a day, the wellhead protection area shall be 150 feet from the wellhead.
 - (3) For an unconfined wellhead generating greater than 50,000 gallons a day, the wellhead protection area shall be delineated by the State of Delaware, Department of Natural Resources and Environmental Control, Division of Water Resources, Source Water Assessment and Protection Program.
 - (4) The area contained within a source water protection area shall be divided into zones:
 - (a) Zone 1: a surface area extending in a radius of 150 feet around the wellhead.
 - (b) Zone 2: the remaining surface area of a delineated wellhead protection area outside of Zone 1.
 - (c) Zone 3: excellent groundwater recharge areas.
 - (5) Zone 1 requirements.
 - (a) Permitted uses.
 - [1] Infrastructure, equipment, buildings, access and other uses associated with the well, distribution and treatment facilities of the water system and their maintenance.
 - [2] Wells existing prior to December 31, 2007. No other structures or uses shall be permitted in Zone 1 unless the application, which shall demonstrate the proposed structure or use will not harm or potentially harm the public drinking water supply, is approved as a conditional use by City Council.
 - (b) Prohibited uses.
 - [1] See Table 01: Land Use Restrictions and Uses Source Water Protections Areas
 - (6) Zone 2 requirements.
 - (a) Permitted uses.
 - [1] Uses permitted in the underlying zoning district may be permitted under an approved conditional use that protects the public drinking water supply for the City and meets the minimum requirements for stormwater management, impervious cover, above ground and underground storage tanks.
 - (b) Prohibited uses.
 - [1] See Table 01: Land Use Restrictions and Uses Source Water Protections Areas
 - (c) Stormwater management.
 - [1] Stormwater shall be treated by an approved stormwater quality management practice in accordance with current requirements of the *Delaware Sediment and Stormwater Regulations* dated October 11, 2006 or as later revised.
 - [2] For all new construction, all structures shall be required to discharge roof drains into recharge systems. Recharge systems shall be in accordance with section 10.0 of the *Delaware Sediment and Stormwater Regulations* dated October 11, 2006 or as later revised.
 - (d) Impervious cover.
 - [1] Wellhead protection areas should not exceed 20% impervious cover. New development in this zone may exceed the 20% impervious cover threshold within wellhead protection areas, but shall be no more than 50% impervious cover, provided the applicant submits an environmental assessment impact report as

provided for in Subsection [230-19.5F](#) indicating the additional impervious area will not have an adverse impact on the drinking water supply.

- (e) Underground storage tanks (UST).
 - [1] Underground storage tanks with a capacity greater than 110 gallons containing petroleum, and residential and agricultural USTs with a capacity greater than 1,100 gallons containing heating fuel or motor fuel shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained, and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems, or as later revised. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.
 - [2] Underground storage tanks with a capacity greater than 110 gallons containing a hazardous substance as defined in CERCLA § 101(14) shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.
- (f) Above ground storage tanks.
 - [1] Aboveground storage tanks with a capacity greater than 12,499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene shall be permitted in a delineated wellhead area if the ASTs are designed, constructed, operated and maintained with the applicable requirements in the Delaware Regulations Governing Aboveground Storage Tanks.
- (7) Zone 3 requirements.
 - (a) Permitted uses.
 - [1] Uses permitted within the underlying zoning district unless prohibited by this section.
 - [2] Hazardous waste storage, treatment, and disposal facilities, hazardous waste generators, sanitary and industrial facilities as defined in the Delaware Regulations Governing hazardous waste, vehicle repair, salvage operations, waste sludge storage or application, solid waste landfills, tire piles and dredge spoil sites shall not be permitted in Zone 3.
 - (b) Prohibited uses.
 - [1] See Table 01: Land Use Restrictions and Uses Source Water Protections Areas
 - (c) Stormwater management and impervious cover.
 - [1] There are no requirements contained in this section in order for the development to occur provided the impervious cover of that portion of the parcel within the excellent recharge area is 35% or less.
 - [2] Impervious cover of that portion of the parcel within the excellent recharge area that is greater than 35% but no more than 60% is allowed provided the applicant demonstrates through a report prepared by a registered professional geologist or registered professional engineer familiar with the hydro geologic characteristics of the City of Milford and the surrounding areas using climatic water budget that post-development recharge quantity will meet or exceed the existing (pre-development) recharge quantity. Efforts to mitigate discharges to pervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges. These practices shall address water quality as well as overall water quantity.
 - [3] For all new construction, infill, and redevelopment within the town center as defined in Figure 14D, Neighborhood Map-Town Center, as it is delineated in the 2008 Comprehensive Plan impervious cover may exceed 60%. All structures are required to discharge roof drains into underground recharge systems or permeable surfaces that allow discharges to infiltrate into the ground. The site plan is to consist of BMPs that include such items as pervious pavers, pervious concrete and infiltration practices designed to assure that recharge is maximized. The practices shall address water quality as well as overall water quantity.
 - [4] Discharge from roof drains, containment areas or impoundments that have run-off from an area that may contain contaminants from mechanical systems shall be segregated and treated prior to discharge.
 - (d) Underground storage tanks (UST).
 - [1] Underground storage tanks with a capacity greater than 110 gallons containing petroleum, and residential and agricultural USTs with a capacity greater than 1,100 gallons containing heating fuel or motor fuel shall be permitted in a designated wellhead area if the USTs are designed, constructed, maintained, and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems, or as later revised. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.
 - [2] Underground storage tanks with a capacity greater than 110 gallons containing a hazardous substance as defined in CERCLA §101(14) shall be permitted in Zone 3 if the USTs are designed, constructed, maintained and operated in accordance with the Delaware Regulations Governing Underground Storage Tank Systems. (NOTE: Regulated USTs must be constructed with secondary containment of the tanks and piping and must have continuous monitoring for releases.) The property owner shall be required to submit an annual report, prepared by a licensed tank inspector, certifying the UST meets the criteria established herein.

(e) Above ground storage tanks.

- [1] Aboveground storage tanks with a capacity greater than 12,499 gallons containing petroleum or hazardous substances, and ASTs with a storage capacity greater than 39,999 gallons containing diesel, heating fuel or kerosene shall be permitted in Zone 3 if the ASTs are designed, constructed, operated and maintained with the applicable requirements in the Delaware Regulations Governing Aboveground Storage Tanks.

Table 01: Land Use Restrictions and Uses Source Water Protections Areas.

Activities shall be subject to the land use restrictions contained within this [article] that will protect the quality and quantity of ground water supplies. All uses not permitted in the underlying zone district are prohibited.

No - Prohibited

Yes - Allowed

C - Conditional

| Land Use | Well Head Protection Area | | Excellent Ground-Water Recharge Potential Area |
|---|---------------------------|--------|--|
| | Zone 1 | Zone 2 | |
| Aboveground Storage Tanks | NO | C | C |
| Automobile body/repair shop | NO | NO | C |
| Chemical processing/storage facilities | NO | NO | C |
| Dredge Spoil Sites | NO | NO | C |
| Dry cleaner | NO | NO | NO |
| Electrical/electronic manufacturing facility | NO | NO | C |
| Equipment maintenance/fueling areas | NO | NO | C |
| Fleet/trucking/bus terminal | NO | NO | C |
| Gas station | NO | C | C |
| Hazardous Waste: Treatment, Storage & Disposal Facilities | NO | NO | C |
| † Dry Wells/sumps | NO | C | YES |
| †† Injection wells | NO | C | C |
| Junk/scrap/salvage yard | NO | NO | NO |
| Machine shop | NO | NO | C |
| Metal plating/finishing/fabricating facility | NO | NO | C |
| Mines/gravel pits | NO | NO | C |
| On-Site wastewater treatment and disposal systems | NO | NO | C |
| Salvage operations | NO | NO | NO |
| Sanitary and Industrial Landfills | NO | NO | NO |
| Tire Piles | NO | NO | NO |
| Underground storage tanks | NO | C | C |
| Vehicle repair | NO | NO | C |
| Vessel storage | NO | NO | C |
| Waste sludge storage or application | NO | NO | C |
| Wood preserving/treating facility | NO | NO | NO |

† Dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell

†† Injection wells other than those used in the remediation of ground water contamination that inject oxygen-releasing compounds

E. Boundary determination for source water protection areas.

- (1) All subdivision and land development plans depicting development or land disturbance submitted for City review shall be evaluated for the existence of source water protection areas. All such areas are as depicted on source water protection area maps/overlays are available from Delaware Department of Natural Resources and Environmental Control (DNREC), Division of Water Resources, Source Water Assessment and Protection Program (SWAPP). If a SWPA exists within a proposed development site, the boundaries of these areas shall be delineated on the plan by the applicant's State of Delaware professional engineer or professional geologist.
- (2) DNREC SWAPP may, when based on sound science and information, revise and update the overlay maps of wellhead protection areas.
- (3) The Delaware Geological Survey (DGS) may, when based on sound science and information, revise and update the overlay maps of good or excellent groundwater recharge potential areas.
- (4) When there appears to be a conflict between the mapped boundary and actual site conditions, the applicant may engage the services of professional geologist to prepare a report intended to determine more accurately the precise boundary of the source water protection area. The Report shall include:
 - (a) A detailed topographic layout of the subdivision and/or area to be developed and prepared by a state-registered professional land surveyor or professional geologist;
 - (b) Evidence derived from a site-specific investigation that may include aquifer testing, test borings, test pits, observation wells, groundwater elevations, and topography surveys as appropriate for the type of source water protection area that clearly demonstrates that the area in question does not meet the definition of a source water protection area as defined.
 - (c) Any challenges to the delineations of the good or excellent groundwater recharge potential areas must follow the methods used in the Delaware Geological Survey publication: Report of Investigations No. 66, Groundwater Recharge Potential Mapping in Kent and Sussex Counties, Delaware. The challenge must be approved by DGS and DNREC SWAPP.
 - (d) Notwithstanding any other section of this chapter, if an owner initiates a precise boundary delineation pursuant to this section, any and all time review limitations shall be stayed pending the submission of the complete report contemplated by this section. Following submission of the report and all supporting documents, DNREC shall have 90 days to finally approve or disapprove the exploratory sketch plan submission or such further time as deemed necessary by the Department, but not to exceed an additional 90 days.

F. Environmental impact assessment report.

- (1) New development may exceed the 20% impervious cover threshold within the Source Water Protection Area Zone 2, but be no more than 50% impervious, provided the applicant submits an environmental assessment report including a climatic water budget and systems to augment recharge that assure water quality as well as quantity. The environmental impact assessment must document that postdevelopment recharge will be no less than predevelopment recharge when computed on an annual basis.
- (2) Commonly, the applicant offsets the loss of recharge due to impervious cover by constructing recharge basins that convey pretreated rooftop runoff for infiltration to groundwater. Refer to Supplement 1, entitled Groundwater Recharge Design Methodology, for the details of how to design recharge facilities in Delaware source water protection areas.
- (3) A Delaware registered professional engineer and/or professional geologist prepares an environmental assessment report, usually containing the following elements of planning, design, construction, and maintenance of groundwater recharge facilities:
 - (a) Site description of proposed development within the water resource protection area.
 - (b) Climatic water balance comparing predevelopment and postdevelopment recharge potential.
 - (c) Subsurface exploration, including borings, test pits, and infiltration tests.
 - (d) Design of groundwater recharge facilities that assure water quality as well as quantity.
 - (e) Construction and maintenance considerations.
 - (f) Recommended groundwater monitoring plan.
 - (g) Water management agreement between the applicant and the town, city, or county providing for monitoring and maintenance of the recharge system. The applicant will abide by the Groundwater Management Agreement as written in DNREC Supplement 1 to the Source Water Protection Guidance Manual for the Local Governments of Delaware: Groundwater Recharge Design Methodology, dated May 2005 or as later revised.

G. Nonconforming uses. Nonconforming uses may continue in a source water protection area in the form in which they existed at the time of the adoption of this section, unless they pose a direct hazard to the City's water supply, as determined by the Water and Wastewater Department upon advice from the Delaware Division of Public Health, or are causing some foreign substances (oil, salts, chemicals, or other substances) to be introduced into the City's water supply, as determined by the Water and Wastewater Department upon advice from DNREC's Division of Air and Waste Management and/or Division of Water Resources. In the latter case, the Building Department shall issue a mandatory cease and desist to stop the offending activity within the area. Nonconforming existing underground or aboveground storage of oil, petroleum, and petroleum products shall require secondary containment pursuant to the State of Delaware regulations governing underground storage tanks or for aboveground storage of petroleum products secondary containment facilities capable of capturing the material stored on the site, for existing facilities that are proposed either to be upgraded or replaced.

H. Replacement and new wells.

- (1) The replacement of any existing public water supply well that was not required to meet this wellhead protection requirement at the date of its original installation and that has failed shall be exempt from meeting this wellhead protection requirement.
- (2) All public water supply wells within a housing development, subdivision, or strip development recorded on or after the implementation of the Delaware Regulations Governing the Construction and Use of Wells, dated April 6, 1997, or as later revised, shall be located at least 150 feet within the subdivision's or development's outermost property lines.

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 200 - SUBDIVISION OF LAND >>**

Chapter 200 - SUBDIVISION OF LAND

[HISTORY: Adopted by the City Council of the City of Milford 11-10-2008 by Ord. No. 2008-12.¹ ~~(28)~~ Amendments noted where applicable.]
 Editor's note— GENERAL REFERENCES

| | |
|--|--|
| Building construction — See Ch. 88 | Streets and sidewalks — See Ch. 197 |
| Floodplain management — See Ch. 130 | Trees — See Ch. 211 |
| Property maintenance — See Ch. 174 | Water — See Ch. 222 |
| Sewers — See Ch. 185 | Zoning — See Ch. 230 |

Editor's note—

[§ 200-1. - Purpose.](#)

[§ 200-2. - Title.](#)

[§ 200-3. - Definitions.](#)

[§ 200-4. - Application procedure.](#)

[§ 200-5. - General requirements and design standards.](#)

[§ 200-6. - Variances and waivers.](#)

§ 200-1. - Purpose.

These regulations are adopted in order to promote and protect the public health, safety, convenience and general welfare; ensure the orderly growth and development of the City, the conservation, protection and proper use of land and adequate provision for housing, recreation, circulation, utilities and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces.

§ 200-2. - Title.

These regulations shall be known and may be cited as the "City of Milford, Delaware, Land Subdivision Regulations."

§ 200-3. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALLEY — A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

COMMISSION — The Planning Commission of the City of Milford, Delaware.

OPEN SPACE — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:

- (1) Community gardens;
- (2) Promotion of conservation and protection of wildlife;
- (3) Perpetual conservation easements;
- (4) Parks, plazas, walkways, sidewalks and trails;
- (5) Buffers or forested areas; or
- (6) For recreational uses as defined herein.

Open space shall not include areas of land for the following unless otherwise approved by Council:

- (1) Wetlands or stormwater management facilities;
- (2) Drainage easements;
- (3) Flagpole areas;
- (4) Medians (unless designed as a park);
- (5) Signage areas;
- (6) Landscaping in parking areas;
- (7) Predominantly impervious surfaces such as streets and parking lots;
- (8) Required front, side, or rear yards;
- (9) Any land included within designated lot lines; or

(10) Utility facilities for uses such as sewer, water, gas or electric.

PLAT — The final drawing on which the subdivision plan is presented to the City Council for approval and which is submitted to the County Recorder of Deeds for recording.

PROPERTY OWNERS' ASSOCIATION — An association established by the subdivider as a non-stock corporation to provide for the perpetual maintenance of the common property in the subdivision.

RECREATIONAL USE — Areas of land within residential subdivisions or developments including planned unit developments which have the purpose to provide active recreational opportunities that are available to all residents of the community and/or the public including lands used for:

- (1)** Indoor club houses;
- (2)** Swimming pools and pool houses;
- (3)** Tennis courts;
- (4)** Basketball courts;
- (5)** Athletic fields;
- (6)** Picnic areas with tables;
- (7)** Ponds for recreational use (boat, fishing or swimming);
- (8)** Playgrounds; and
- (9)** Bike or multi-model trails.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, gas pipelines, and water line, sanitary storm sewer, and other similar uses.

ROADWAY — The paved portion of the street primarily used for vehicular traffic.

- A.** **ARTERIAL STREET and HIGHWAY** — A street primarily used for fast and/or heavy traffic.
- B.** **COLLECTOR STREET** — A street carrying traffic from minor streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.
- C.** **MINOR STREET** — A street primarily used for access to the abutting properties.
- D.** **MARGINAL ACCESS STREET** — A minor street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.
- E.** **DEAD-END STREET or CUL-DE-SAC** — A street closed at one end and having only one connection with any other street.
- F.** **HALF STREET** — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN — The current specifications regulating subdivision design and construction as adopted by the City.

STREET — All land between property lines, whether designated as a street, highway, throughway, thoroughfare, avenue, boulevard, road, parkway, right-of-way lane, place, court or any similar term.

SUBDIVIDER — Any person, firm, corporation, partnership or association or duly authorized agent who or which shall apply to the Commission for approval of the layout of any subdivision.

SUBDIVISION — The division or redivision of any tract of land into two or more lots or parcels for immediate or future sale or for building development.

SUBDIVISION, MINOR — Any subdivision fronting on an existing street, not involving any new street or road, not involving the extension of any municipal water or wastewater mains, not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the development plan, Official Map, [Chapter 230](#), Zoning, or this chapter; limited to four lots.

SUPERBLOCK — An oversize residential block wherein private open spaces, closed to automobile traffic, are provided for the common use of all residents in the block.

[Ord. No. 2009-18, §§ 1, 2, 4-26-2010]

§ 200-4. - Application procedure.

- A.** Preliminary approval.
 - (1)** A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in [§ 230-57](#).
 - (2)** The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.
 - (3)** The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions or recommendation of denial, the application shall be scheduled to be heard by the City Council.
 - (4)** City Council shall grant preliminarily approval of the application with or without conditions, deny the application, or table the application.
 - (5)** Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.
- B.** Final approval.

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in [§ 230-57](#)
- (2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.
- (3) The Planning Commission shall review the application and provide either a recommendation of final approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.
- (4) City Council shall approve the application with or without conditions, deny the application, or table the application.
- (5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.
- (6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
- (7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.
- (8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

§ 200-5. - General requirements and design standards.

The following shall be deemed to be minimum requirements and may be varied or waived by the Commission only under circumstances set forth in [§ 200-6](#):

A. Streets.

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
 - (a) Public convenience and safety.
 - (b) Proposed uses of the land to be served by said streets.
 - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.
 - (d) Topography and other land features.
- (2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.
- (3) Minor streets shall be laid out so as to discourage their use by through traffic.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
- (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
- (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.
- (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.
- (8) The creation of dead-end or loop streets and superblocs will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.
- (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
- (10)

A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.

- (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (12) 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 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.
- (14) Right-of-way widths.
 - (a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

| Street Type (feet) | Right-of-Way Roadway (feet) | |
|--------------------------------------|--------------------------------|-----------|
| | Arterial | 80 to 110 |
| Collector | 60 | 28 |
| Minor, for townhouses and apartments | 60 | 30 |
| Minor, for other residences | 50 | 25 |
| Dead-end | 50 | 22 |
| Marginal access | 30 | 16 |
| *Alley | 20 | 12 |

Note:

* If utilities are present in an alley, the City reserves the right to modify the minimum right-of-way and roadway widths.

- (b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.
- (15) Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided. Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.
- (16) Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of 76 feet and a street right-of-way diameter of 100 feet.
- (17) Street names.
 - (a) Street names shall be selected so as not to duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission. It is recommended that all new streets shall be named in the following manner:

| General direction | Long | Short (under 1,000 feet) |
|-------------------|---------|-----------------------------|
| North and south | Streets | Places |
| East and west | Avenues | Courts |
| Diagonal | Roads | Ways |
| Curving | Drives | Lanes or Circles |

- (b) Arterial streets shall be named "boulevards."
 - (18) Street grades shall not exceed 5%.
 - (19) Street grades shall be not less than 0.5% wherever feasible.
 - (20) Changes in street grades shall be connected by vertical curves of suitable length.
 - (21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.
 - (22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.
- B. Sidewalks and curbs.**
- (1) Sidewalks shall be required in all subdivisions on both sides of the street. Sidewalks shall have the following widths:
 - (a) In residential subdivisions: four feet unless otherwise specified.
 - (b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.
 - (2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.
 - (3)

All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.

- C.** Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.
- D.** Blocks.
- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) The provision of building sites suitable to the needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) The control, safety and convenience of pedestrian and vehicular traffic.
 - (d) The characteristics of topography.
 - (2) Block length shall not exceed 1,200 feet.
 - (3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.
 - (4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.
 - (5) Alleys shall be provided if required by the City Engineer.
- E.** Lots.
- (1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
 - (2) Lot sizes shall conform to the requirements of [Chapter 230](#), Zoning.
 - (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in [Chapter 230](#), Zoning.
 - (4) Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.
 - (5) All lots in a subdivision shall have frontage on a public street.
 - (6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.
 - (7) Side lot lines shall be at right angles or radial to street lines.
 - (8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.
 - (9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.
- F.** Parks, playgrounds, open spaces, school sites and natural features.
- (1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.
 - (2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code.² [\[29\]](#) In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.
 - (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.
 - (4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.
- G.** General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.

H. Improvements.

- (1) In major subdivisions the following improvements are required:
- (a) Paved streets.
 - (b) Street signs.
 - (c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.
 - (d) Sidewalks.
 - (e) Streetlighting.
 - (f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.
 - (g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
 - (h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.
 - (i) Water mains, culverts, storm sewers and sanitary sewers.
 - [1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.
 - [2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.
 - [3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.
 - (j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.
 - (k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.
- (2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.
- (3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.
- (4) The developer shall pay the review and inspection fees as set forth in [Chapter 230, Zoning, § 230-57](#), Planning and zoning fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

§ 200-6. - Variances and waivers.

Applicants may request, at the time of application submission, the varying or waiving of requirements of [Chapter 200](#), and the Planning Commission may, at its discretion, recommend to City Council the varying or waiving of said requirements and request conditions that substantially secure the objectives of the requirements so waived. Upon the findings of the City Council that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the City Council may vary or waive said requirements, provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the Official Map, [Chapter 230](#), Zoning, the Development Plan or this chapter. In varying or waiving certain requirements, the City Council may specify such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

FOOTNOTE(S):

⁽²⁸⁾ **Editor's note**— 1. Editor's Note: This ordinance also repealed former Ch. 200, Subdivision of Land, adopted 12-10-2001 by Ord. No. 2001-8, as amended. ([Back](#))

⁽²⁹⁾ **Editor's note**— 2. Editor's Note: See Ch. 230, Zoning. ([Back](#))

**CITY OF MILFORD
PLANNING COMMISSION**

RESOLUTION NO. PC11-008

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILFORD,
DELAWARE, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF
MILFORD
THE APPROVAL OF A FINAL MAJOR SUBDIVISION FOR
SHAWNEE FARMS LLC
AT ROUTE 113 AND ROUTE 36
FOR A 6 LOT SUBDIVISION
TO BE KNOWN AS CYPRESS HALL COMMERCIAL
IN A C-3 ZONING DISTRICT
TAX MAP 1-30-3.00-261.00**

WHEREAS, the owner and applicant has made application with the City of Milford; and,

WHEREAS, the proposed application shall comply with the standards and regulations of the Code of the City of Milford; and,

WHEREAS, the Planning Commission met and heard said application during a public hearing on May 17, 2011; and,

WHEREAS, by a vote of _____ recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission has recommended approval of the application to the Mayor and City Council of the City of Milford, Delaware with the following recommendations:

1.

APPROVED: _____
Charles Rini,
Planning Commission Chairman

SIGNED: _____
Christine Crouch,
Planning Commission Rec Secretary

CYPRESS HALL COMMERCIAL CONSTRUCTION DOCUMENTS

CITY OF MILFORD, SUSSEX COUNTY, DELAWARE

DBF PROJECT No. 1423A002J JULY 2010

DATA COLUMN

| | |
|--|--------------------|
| TAX MAP ID | : 1-30-3.00-261.00 |
| EXISTING ZONING | : C-3 |
| PROPOSED USE | : COMMERCIAL |
| EXISTING AREAS | |
| EXISTING SITE AREA | : 42.878±AC |
| EXISTING SR#36A RIGHT-OF-WAY | : 1.088±AC |
| TOTAL EXISTING PROJECT AREA | : 43.966±AC |
| PROPOSED AREAS | |
| SHOPPING CENTER | |
| MAIN SHOPPING AREA | : 29.690±AC |
| NEAR OUTPARCELS (SWM) | : 1.129±AC |
| TOTAL | : 30.819±AC |
| COMMERCIAL OUTPARCELS | |
| PARCEL 1 | : 1.595±AC |
| PARCEL 2 | : 1.631±AC |
| PARCEL 3 | : 1.668±AC |
| PARCEL 4 | : 1.404±AC |
| PARCEL 5 | : 1.911±AC |
| TOTAL | : 8.209±AC |
| RIGHT-OF-WAY (CITY OF MILFORD) | |
| TRANSFERRED FROM DELDOT | : 0.793±AC |
| DEDICATED BY OWNER | : 3.836±AC |
| TOTAL | : 4.628±AC |
| RIGHT-OF-WAY SR#36 (DELDOT) | |
| EXISTING TO REMAIN | : 0.070±AC |
| 10' DEDICATION BY OWNER | : 0.014±AC |
| TOTAL | : 0.084±AC |
| RIGHT-OF-WAY TRANSFERRED TO RESIDENTIAL FROM DELDOT ALONG SR#36A | : 0.226±AC |
| TOTAL PROPOSED PROJECT AREA | : 43.966±AC |

| | |
|-------------------------------------|-------------------------------------|
| C-3 ZONING REQUIREMENTS | |
| MINIMUM LOT SIZE ALLOWED | : MINIMUM 1 ACRE |
| FRONT YARD SETBACK | : 30' |
| SIDE YARD SETBACK | : 20' |
| REAR YARD SETBACK | : 50' |
| (MIN. COMBINED WIDTH OF BOTH = 50') | |
| MAXIMUM LOT COVERAGE | : 80% |
| MAXIMUM HEIGHT | : 35' OR 3 STORIES |
| SHOPPING CENTERS SETBACKS | |
| | : 15' FROM STREET R.O.W. |
| | : 15' FROM NON-RESIDENTIAL DISTRICT |
| | : 50' FROM RESIDENTIAL DISTRICT |
| COMMERCIAL SQUARE FOOTAGE | : 206,914 SF |
| TOTAL AMOUNT OF WETLANDS | : 0.100 ±AC |
| TOTAL AMOUNT OF STORMWATER | : 5.901 ±AC |
| PROPOSED SEWER | : CITY OF MILFORD |
| PROPOSED WATER | : CITY OF MILFORD |
| FIRE DISTRICT | : CARISLE |
| SCHOOL DISTRICT | : MILFORD |
| ELECTION DISTRICT | : 2ND |
| VERTICAL DATUM | : NAVD 88 |

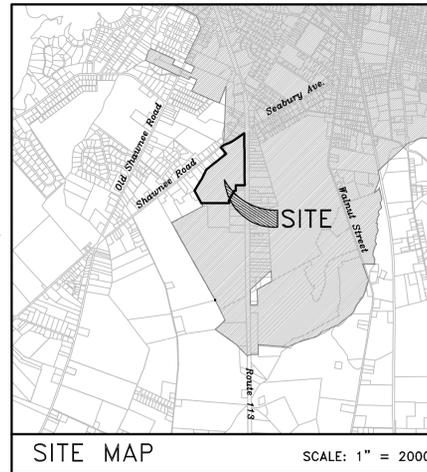
OWNER/DEVELOPER
SHAWNEE FARMS LLC.
105 FOULK ROAD
WILMINGTON, DE 19803

ENGINEER/SURVEYOR
DAVIS, BOWEN & FRIEDEL, INC.
23 NORTH WALNUT STREET
MILFORD, DELAWARE 19963
302-424-1441

WETLANDS CONSULTANTS
ENVIRONMENTAL RESOURCES, INC.
ONE PLAZA EAST, SUITE 319
SALISBURY, MARYLAND 21801
302-436-9637

PARKING REQUIREMENTS

| | |
|---|---|
| MILFORD CODE | : 5,511,000 S.F. OF LEASEABLE AREA (FOR SHOPPING CENTERS) |
| TOTAL COMMERCIAL AREA | : 206,914 SF |
| PARKING REQUIRED | : 1,138 SPACES REQUIRED |
| VARIANCE REQUEST | : 1,014 SPACES PROVIDED |
| VARIANCE PROVIDED | : 1,015 SPACES PROVIDED |
| TOTAL REDUCTION | : 124 SPACES |
| PROPOSED PARKING RATIO | : 4.9/1,000 S.F. OF LEASEABLE AREA |
| *** PARKING VARIANCE REQUEST WAS APPROVED ON (AUGUST 21, 2008). | |

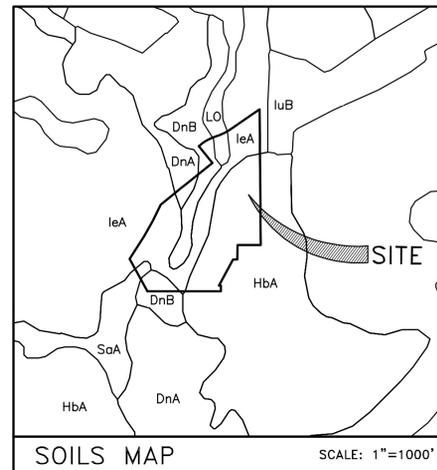
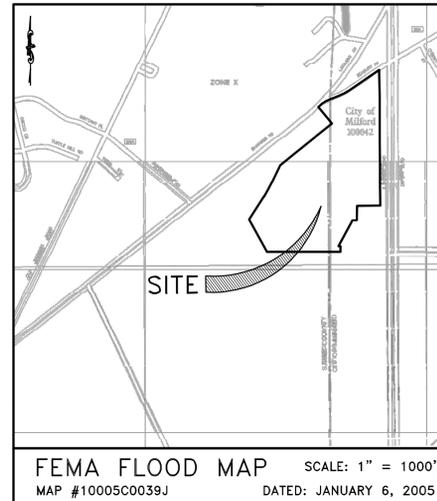
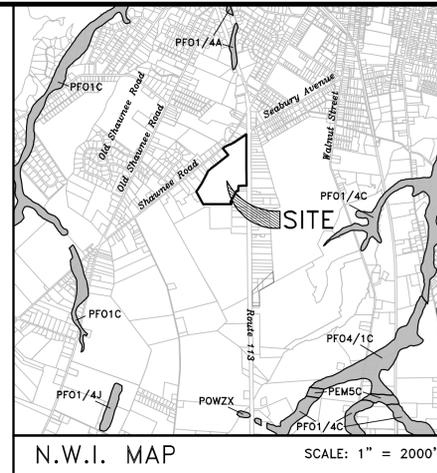


INDEX OF DRAWINGS

| | |
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LEGEND

| EXISTING | PROPOSED |
|--|--|
| --- PROPERTY LINE OR RIGHT-OF-WAY LINE | --- PROPERTY LINE OR RIGHT-OF-WAY LINE |
| --- EASEMENTS | --- EASEMENTS |
| --- FENCE | --- FENCE |
| --- SETBACK LINE | --- SETBACK LINE |
| --- EXISTING CONTOUR | --- CONTOUR |
| --- CONCRETE CURB WITH GUTTER | --- CONCRETE CURB WITH GUTTER |
| --- WATER MAIN, HYDRANT, VALVE | --- WATER MAIN, HYDRANT, VALVE |
| --- SEWER MAIN, MANHOLE, CLEANOUT | --- SEWER MAIN, MANHOLE, CLEANOUT |
| --- CONCRETE MONUMENT FOUND | --- CONCRETE MONUMENT FOUND |
| --- IRON PIN WITH CAP SET | --- IRON PIN WITH CAP SET |
| --- PIN AND CAP FOUND | --- PIN AND CAP FOUND |
| --- DITCH, SWALE | --- DITCH, SWALE |
| --- STORMDRAIN, WITH FLOW ARROW | --- PUBLIC ACCESS EASEMENT (PRIVATE MAINTENANCE) |
| --- BUILDING | --- BUILDING |
| --- TREE LINE | --- TREE LINE |
| --- UNDERGROUND TELEPHONE LINE | --- UNDERGROUND TELEPHONE LINE |
| --- UNDERGROUND GAS LINE | --- UNDERGROUND GAS LINE |
| --- UNDERGROUND ELECTRIC LINE | --- UNDERGROUND ELECTRIC LINE |
| --- OVERHEAD ELECTRIC SERVICE | --- 6" RIP RAP OUTFALL |
| --- SPOT ELEVATION | --- STORMWATER OUTFALL STRUCTURE |
| | --- SPOT ELEVATIONS |
| | --- DRIVEWAY RESTORATION |
| | --- RADIUS AT FACE OF GUTTER |
| | --- SITE LIGHTING |



| | |
|---|--------|
| DnA = DOWNER LOAMY SAND, 0 TO 2 PERCENT SLOPES | H5Q: B |
| DnB = DOWNER LOAMY SAND, 2 TO 5 PERCENT SLOPES | H5Q: B |
| HbA = HAMBROOK SANDY LOAM, 0 TO 2 PERCENT SLOPES | H5Q: B |
| leA = INGLESIDE LOAMY SAND, 0 TO 2 PERCENT SLOPES | H5Q: B |
| SaA = SASSAFRAS SANDY LOAM, 0 TO 2 PERCENT SLOPES | H5Q: B |
| LO = LONGMARSH & INDIANTOWN SOILS, FREQUENTLY FLOODED | H5Q: D |

GENERAL NOTES

- BOUNDARY & TOPOGRAPHIC SURVEYS BY DAVIS, BOWEN, & FRIEDEL, INC.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SEDIMENT AND STORMWATER CONTROLS DURING CONSTRUCTION.
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
- BUILDING CONSTRUCTION TO BE MASONRY AND/OR WOOD CONSTRUCTION.
- THE SITE IS NOT LOCATED WITHIN A FEMA DESIGNATED FLOODPLAIN AS SHOWN PER FEMA FLOOD MAPS PANEL FM1005C0039J, DATED JANUARY 6, 2005.
- ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIAL AND WORKMANSHIP SHALL CONFORM TO ALL STATE OF DELAWARE, SUSSEX COUNTY, AND CITY OF MILFORD STANDARDS AND SPECIFICATIONS.
- MISS UTILITY SHALL BE NOTIFIED THREE(3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION, AT 1-800-282-8555.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS", (LATEST EDITION).
- DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES".
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION OR SEDIMENT CONTROL MEASURES AS IT DEEMS NECESSARY.
- SANITARY SEWER AND WATER SERVICE WILL BE MAINTAINED BY THE CITY OF MILFORD UPON COMPLETION AND ACCEPTANCE BY THE CITY IN ACCORDANCE WITH ALL CITY SPECIFICATIONS.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION AND DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS, ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING EXCAVATION FOR STRUCTURES AND UTILITY LINES, ON AND OFF SITE, MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE DEVELOPER/OWNER.
- DRAWINGS DO NOT INCLUDE THE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED, AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- DEVELOPER SHALL INSTALL ONSITE LIGHTING TO ILLUMINATE STREETS, PARKING AREAS, AND WALKWAYS, IN ACCORDANCE WITH CITY REGULATIONS.
- AN ESTABLISHED MAINTENANCE COOPERATION WILL BE RESPONSIBLE FOR ALL MAINTENANCE TO THE SIDEWALKS, STORMWATER MANAGEMENT (LONG TERM), AND LANDSCAPING THROUGHOUT THE SITE.
- IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO PROVIDE LONG TERM MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITIES UNTIL THAT RESPONSIBILITY IS ASSUMED BY A MAINTENANCE CORPORATION.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRAISE AND COORDINATE ALL PHASES OF CONSTRUCTION:

DAVIS, BOWEN & FRIEDEL, INC.
DELAWARE DEPARTMENT OF TRANSPORTATION
SUSSEX CONSERVATION DISTRICT
CITY OF MILFORD



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

PREPARED BY:
DAVIS, BOWEN & FRIEDEL, INC.
23 NORTH WALNUT STREET
MILFORD, DE 19963

SIGNATURE _____ DATE _____

Approved by: _____

City Engineer _____ Date _____
City of Milford
Milford, Delaware 19963



GENERAL NOTES

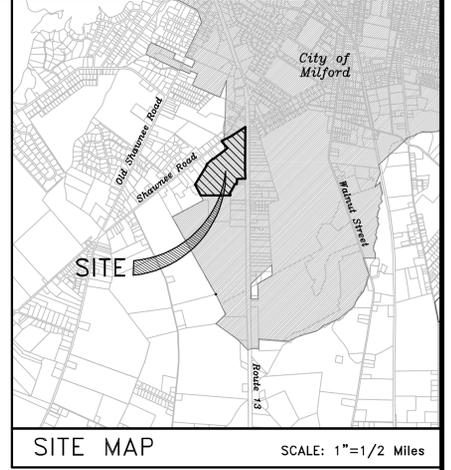
- All entrances shall conform to the State of Delaware Department of Transportation and will be subject to its approval.
- Subdivision streets constructed within the limits of the right-of-way are to be dedicated to the City of Milford upon satisfactory completion and acceptance by the City. The City assumes no maintenance responsibilities in regards to snow removal and disposal. Snow removal and disposal shall be the responsibility of the developer and/or property owner and shall include all city streets, internal drive (ies) and parking areas. Any damage resulting from snow removal and/or disposal shall be the responsibility of the developer and/or property owner.
- The sidewalks and multi modal path shall be the responsibility of the developer, the property owners or both within this subdivision. The State and City assumes no responsibility for the future maintenance of the sidewalk and/or multi modal path.

DATA COLUMN

| | |
|--|--------------------|
| TAX MAP ID | : 1-30-3.00-261.00 |
| EXISTING ZONING | : C-3 |
| PROPOSED USE | : COMMERCIAL |
| EXISTING AREAS | |
| EXISTING SITE AREA | : 42,878±AC |
| EXISTING SR#36A RIGHT-OF-WAY | : 1,088±AC |
| TOTAL EXISTING PROJECT AREA | : 43,966±AC |
| PROPOSED AREAS | |
| SHOPPING CENTER | |
| MAIN SHOPPING AREA | : 29,690±AC |
| NEAR OUTPARCELS (SWM) | : 1,129±AC |
| TOTAL | : 30,819±AC |
| COMMERCIAL OUTPARCELS | |
| PARCEL 1 | : 1,595±AC |
| PARCEL 2 | : 1,631±AC |
| PARCEL 3 | : 1,668±AC |
| PARCEL 4 | : 1,404±AC |
| PARCEL 5 | : 1,911±AC |
| TOTAL | : 8,209±AC |
| RIGHT-OF-WAY (CITY OF MILFORD) | |
| TRANSFERRED FROM DELDOT | : 0.793±AC |
| DEDICATED BY OWNER | : 3.836±AC |
| TOTAL | : 4.628±AC |
| RIGHT-OF-WAY SR#36 (DELDOT) | |
| EXISTING TO REMAIN | : 0.070±AC |
| 10' DEDICATION BY OWNER | : 0.014±AC |
| TOTAL | : 0.084±AC |
| RIGHT-OF-WAY TRANSFERRED TO RESIDENTIAL FROM DELDOT ALONG SR#36A | : 0.226±AC |
| TOTAL PROPOSED PROJECT AREA | : 43,966±AC |

C-3 ZONING REQUIREMENTS

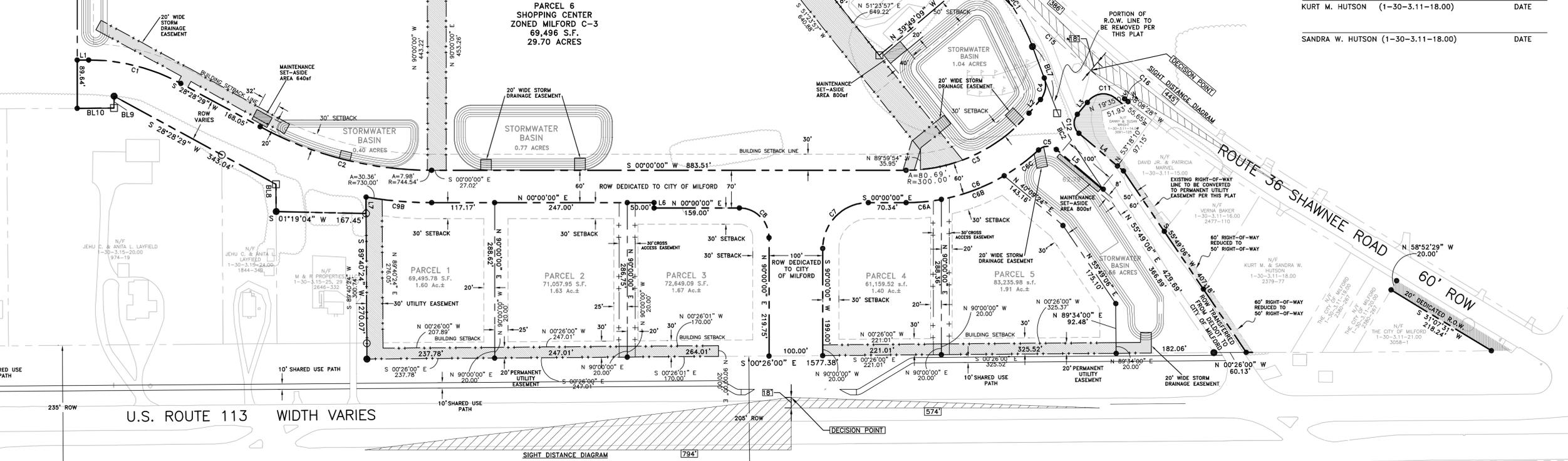
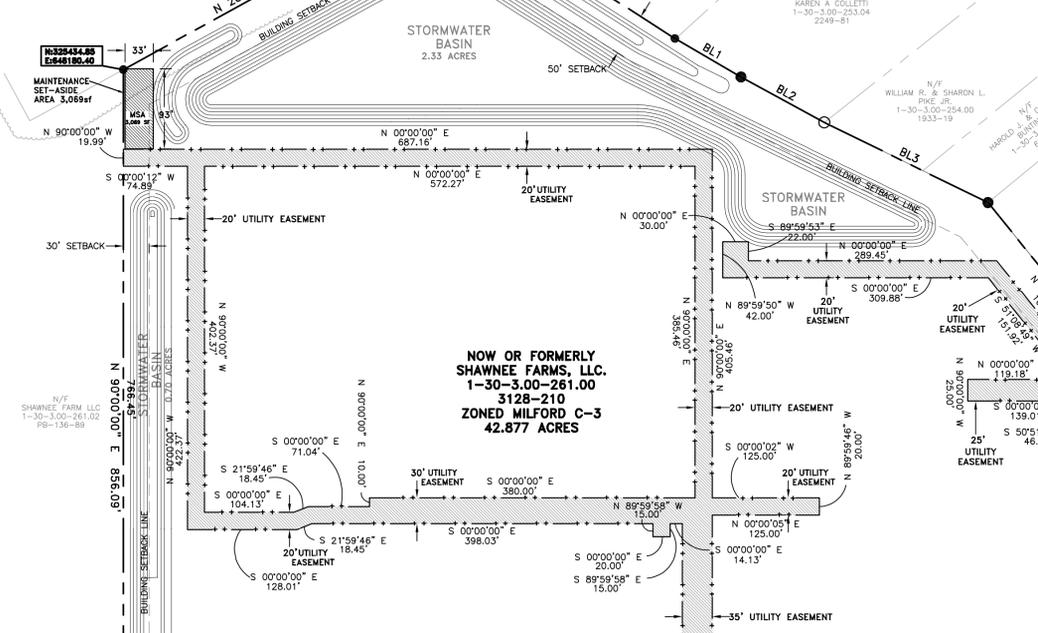
| | |
|----------------------------|-------------------------------------|
| MINIMUM LOT SIZE ALLOWED | : MINIMUM 1 ACRE |
| FRONT YARD SETBACK | : 30' |
| SIDE YARD SETBACK | : 20' |
| REAR YARD SETBACK | : 50' |
| MAXIMUM LOT COVERAGE | : 80% |
| MAXIMUM HEIGHT | : 35' OR 3 STORIES |
| SHOPPING CENTERS | |
| SETBACKS | : 15' FROM STREET R.O.W. |
| | : 15' FROM NON-RESIDENTIAL DISTRICT |
| | : 50' FROM RESIDENTIAL DISTRICT |
| COMMERCIAL SQUARE FOOTAGE | : 206,914 SF |
| TOTAL AMOUNT OF WETLANDS | : 0.100 ±AC |
| TOTAL AMOUNT OF STORMWATER | : 5.901 ±AC |
| PROPOSED SEWER | : CITY OF MILFORD |
| PROPOSED WATER | : CITY OF MILFORD |
| FIRE DISTRICT | : CARLSLE |
| SCHOOL DISTRICT | : MILFORD |
| ELECTION DISTRICT | : 2ND |
| VERTICAL DATUM | : NAVD 88 |



OWNERS' STATEMENTS

WE HEREBY STATE THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

| | | |
|------------------|-------------------|------|
| DANNY WRIGHT | (1-30-3.11-14.00) | DATE |
| SUSAN WRIGHT | (1-30-3.11-14.00) | DATE |
| DAVID MARVEL JR. | (1-30-3.11-15.00) | DATE |
| PATRICIA MARVEL | (1-30-3.11-15.00) | DATE |
| VERNA BAKER | (1-30-3.11-16.00) | DATE |
| KURT M. HUTSON | (1-30-3.11-18.00) | DATE |
| SANDRA W. HUTSON | (1-30-3.11-18.00) | DATE |



CURVE DATA

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|----------|------------|--------------|---------------|-------------|
| C1 | 350.00' | 178.91' | 177.08' | N 141°14' E | 28°28'29" |
| C2 | 670.00' | 332.97' | 329.56' | N 141°14' E | 28°28'29" |
| C3 | 300.00' | 260.30' | 252.21' | N 24°51'25" W | 49°42'50" |
| C4 | 40.00' | 42.56' | 40.58' | N 80°11'34" W | 60°57'28" |
| C5 | 25.00' | 36.39' | 33.26' | S 01°32'29" E | 83°23'47" |
| C6 | 360.00' | 271.68' | 265.28' | S 21°37'11" E | 43°14'22" |
| C6A | 360.00' | 66.03' | 65.94' | S 05°15'16" E | 10°30'32" |
| C6B | 360.00' | 125.57' | 124.94' | S 20°30'06" E | 19°59'07" |
| C6C | 360.00' | 80.08' | 79.92' | S 36°52'01" E | 12°44'43" |
| C7 | 85.00' | 133.52' | 120.21' | S 45°00'00" E | 90°00'00" |
| C8 | 55.00' | 86.39' | 77.78' | N 45°00'00" E | 90°00'00" |
| C9B | 730.00' | 122.72' | 122.57' | S 04°48'57" W | 09°37'56" |
| C11 | 50.00' | 77.29' | 69.82' | N 05°25'52" W | 88°33'56" |
| C12 | 25.00' | 39.33' | 35.40' | S 85°13'17" W | 90°07'46" |
| C13 | 25.00' | 28.20' | 26.73' | S 88°07'47" W | 64°37'23" |
| C14 | 52.00' | 96.51' | 83.24' | N 67°16'11" E | 106°20'34" |
| C15 | 2894.79' | 358.14' | 357.91' | N 42°23'45" E | 7°05'19" |
| C16 | 2894.79' | 8.08' | 8.06' | N 38°46'16" E | 0°09'35" |

BOUNDARY LINE DATA

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| BL1 | N 30°08'55" E | 89.21' |
| BL2 | N 28°31'56" E | 110.82' |
| BL3 | N 26°00'12" E | 212.32' |
| BL4 | N 50°53'43" E | 223.39' |
| BL5 | N 50°53'07" E | 79.85' |
| BL6 | N 51°30'54" E | 70.04' |
| BL7 | N 69°19'42" E | 104.20' |
| BL8 | S 89°39'03" W | 50.50' |
| BL9 | S 89°37'59" E | 22.00' |
| BL10 | S 00°23'25" E | 68.60' |

LINE DATA

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N 00°00'00" E | 21.35' |
| L2 | N 49°42'50" W | 33.24' |
| L3 | N 49°42'50" W | 28.91' |
| L4 | S 40°09'24" W | 108.33' |
| L5 | S 40°09'24" W | 114.13' |
| L6 | N 90°00'00" E | 10.00' |
| L7 | N 90°00'00" W | 30.64' |
| L8 | N 90°00'00" E | 21.35' |

BOUNDARY CURVE DATA

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|---------|------------|--------------|---------------|-------------|
| BC1 | 411.68' | 172.64' | 171.38' | N 57°18'52" E | 24°01'38" |
| BC2 | 551.67' | 130.08' | 129.78' | N 62°34'23" E | 13°30'36" |

OWNERS/DEVELOPER CERTIFICATION

WE, SHAWNEE FARMS, LLC., HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT ALL STREETS SHOWN HEREON AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC USE AND THAT ALL PROPOSED MONUMENTS AND MARKERS SHOWN HEREON WILL BE SET AT THE LOCATION INDICATED, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

DATE: _____ SIGNATURE: _____ MANAGING PARTNER

ENGINEERS CERTIFICATION

I, RANDY B. DUPLECHAIN, HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DATE: _____ SIGNATURE: _____ RANDY B. DUPLECHAIN, P.E.

SEAL:



1" = 100'

OWNER/DEVELOPER
SHAWNEE FARMS, LLC.
105 FOLK ROAD
WILMINGTON, DE 19803

ENGINEER/SURVEYOR
DAVIS, BOWEN & FRIEDEL, INC.
23 NORTH WALNUT STREET
MILFORD, DELAWARE 19963

WETLANDS CONSULTANTS
ENVIRONMENTAL RESOURCES, INC.
ONE PLAZA EAST, SUITE 315
SALISBURY, MARYLAND 21801

City of Milford

| | |
|-----|-----------------------------|
| --- | = BOUNDARY LINE |
| --- | = RIGHT-OF-WAY |
| --- | = LOT LINE |
| --- | = BUILDING SETBACK |
| --- | = EXISTING TOPOGRAPHIC LINE |
| --- | = EXISTING VEGETATION LINE |
| --- | = WETLANDS BOUNDARY |
| X-X | = PRIVACY FENCE |

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 454-1441



CYPRESS HALL COMMERCIAL
CITY OF MILFORD
CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

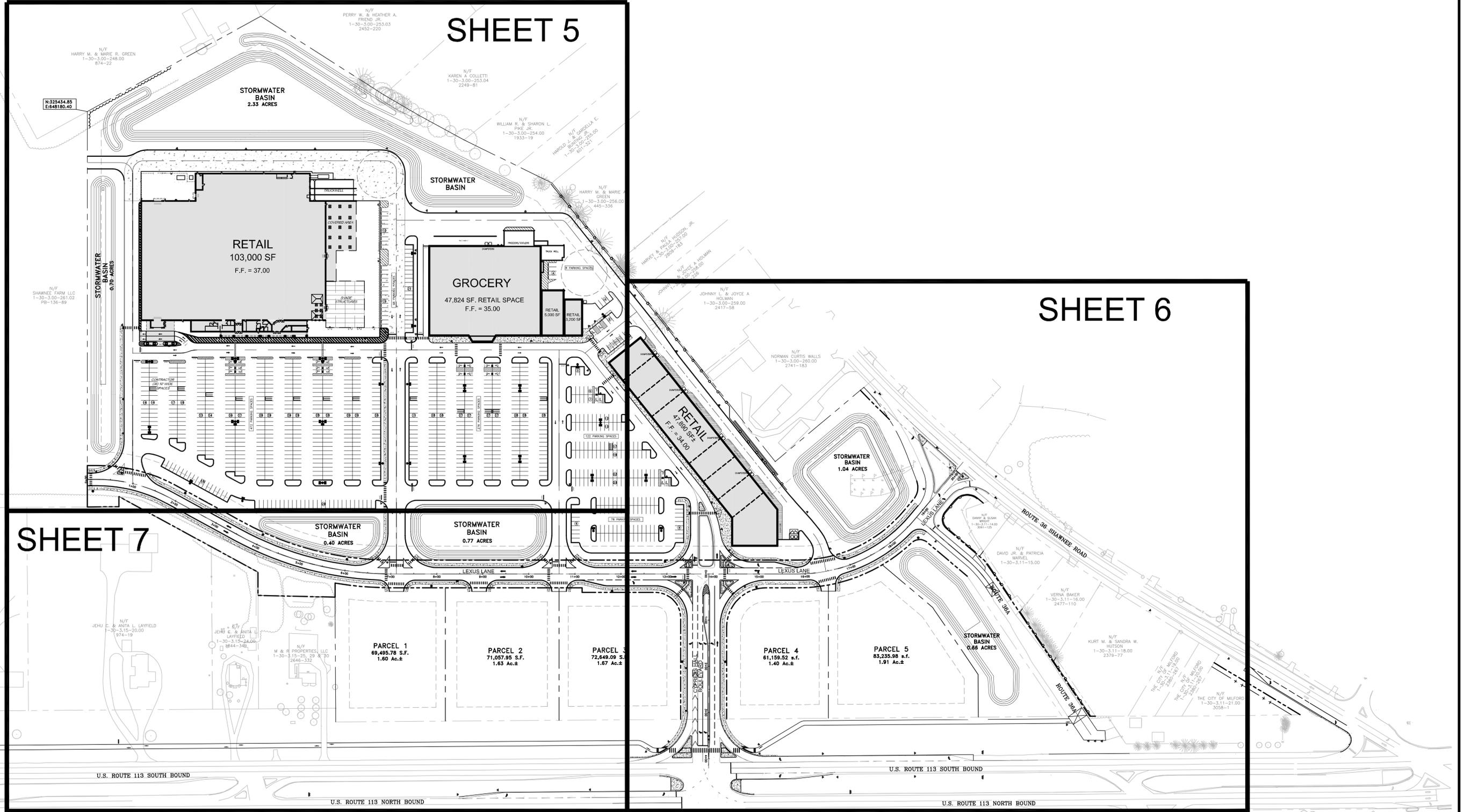
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Proj.No.: 1423A002J
Dwg.No.:



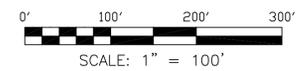
SHEET 5

SHEET 6

SHEET 7



SITE PLAN OVERVIEW



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS



SITE PLAN

CYPRESS HALL COMMERCIAL
CITY OF MILFORD
CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

Date: APRIL 2010
Scale: 1" = 100'
Dwn.By: CRS
Proj.No.: 1423A002J
Dwg.No.:

N/F
PERRY W. & HEATHER A.
FRIEND JR.
1-30-3.00-253.03
2452-220

N/F
HARRY M. & MARIE R. GREEN
1-30-3.00-248.00
874-22

N/F
KAREN A COLLETTI
1-30-3.00-254.04
2249-81

N/F
WILLIAM R. & SHARON L.
PIKE JR.
1-30-3.00-254.00
1933-19

N/F
HAROLD J. & GAOELLA E.
BUNTING JR.
1-30-3.00-255.00
601-321

N/F
HARRY M. & MARIE A.
GREEN
1-30-3.00-256.00
445-336

STORMWATER
BASIN
2.33 ACRES

STORMWATER
BASIN

STORMWATER
BASIN
0.70 ACRES

RETAIL
103,000 SF
F.F. = 37.00

GROCERY
47,824 SF. RETAIL SPACE
F.F. = 35.00

RETAIL
5,000 SF

RETAIL
3,200 SF

KEYED NOTES

- A 3'-0" WIDE PEDESTRIAN CROSSWALK WITH 4" WIDE PAINTED YELLOW-STRIPING @ 4'-0" O.C. AND 45' TO DIRECTION OF TRAFFIC.
- B PAINTED YELLOW "LOADING ZONE" @ 100'-0" O.C. 24" HIGH MAX.
- C 4" WIDE X 100' LONG WHITE PAINTED ALIGNMENT STRIPE.
- D 4" WIDE PAINTED YELLOW STRIPING @ 4'-0" O.C. & 45' TO DIRECTION OF TRAFFIC.
- E 6" PIPE BOLLARD - REFER TO SITE DETAILS
- F FIRE DEPARTMENT BUILDING CONNECTION.
- G SITE LIGHTING POLE LOCATION - REFER TO SITE DETAILS
- H HANDICAP ACCESSIBLE PARKING SPACE WITH SIGN - REFER TO SITE DETAILS FOR ACCESSIBLE PARKING SPACE AND SIGNAGE DETAIL.
- I PAINTED DIRECTIONAL ARROWS (WHITE) - REFER TO SITE DETAILS.
- J TRUCK ROUTE SIGN - REFER TO SITE DETAILS.
- K STOP SIGN - REFER TO SITE DETAILS.
- L (8) SINGLE CART CORRALS SUPPLIED AND INSTALLED BY OTHERS
- M (6) SINGLE CART CORRALS SUPPLIED AND INSTALLED BY RETAIL STORE
- N NO PARKING "FIRE LANE" SIGN, MAX. SPACING 150' O.C. - REFER TO SITE DETAILS.
- O 5' WIDE POURED CONCRETE SIDEWALK, REFER TO SITE DETAILS.
- P GAS METER LOCATION.
- Q PAINTED YELLOW STRIPE OR CURB - FIRE LANE INDICATOR, REFER TO FIRE PROTECTION PLAN.
- R GENERATOR LOCATION - REFER TO ARCHITECTURAL DRAWINGS.
- S 16" WIDE PAINTED STOP BAR (WHITE)
- T ELECTRICAL TRANSFORMER LOCATION
- U TRANSITION FROM INTEGRAL P.C.C. TYPE 3 CURB AND GUTTER TO MODIFIED INTEGRAL P.C.C. CURB AND GUTTER
- V PEDESTRIAN CROSSING SIGN - REFER TO SITE DETAILS.
- W YIELD SIGN, REFER TO SITE DETAILS.
- X P.C.C. CURB TYPE 2, REFER TO SITE DETAILS.
- Y 4" WIDE WHITE PAINTED DASHED STRIPE
- Z TRANSITION FROM INTEGRAL P.C.C. TYPE 3 CURB AND GUTTER TO P.C.C. CURB TYPE 2
- A1 4" WIDE PAINTED WHITE STRIPE (TYP.)
- A2 DOUBLE 4" WIDE PAINTED YELLOW STRIPES (6" SPACING)
- A3 DEPRESSED CURB FOR HANDICAP RAMP (TYP.)
- A4 6' WIDE PEDESTRIAN CROSSWALK, REFER TO SITE DETAILS.
- A5 DUMPSTER ENCLOSURE - REFER TO SITE DETAILS.
- A6 INTERGRAL P.C.C. CURB AND GUTTER, TYPE 3 - REFER TO SITE DETAILS.
- A7 CONCRETE WHEEL STOPS
- A8 PYLON SIGN
- A9 WOODEN PRIVACY FENCE - REFER TO SITE DETAILS
- A10 DO NOT ENTER SIGN - REFER TO SITE DETAILS
- A11 NO LEFT TURN SIGN - REFER TO SITE DETAILS
- A12 NO OUTLET SIGN - REFER TO SITE DETAILS
- A13 INCOMING TRAFFIC SIGN - REFER TO SITE DETAILS
- A14 STANDARD ENGINEERED RETAINING WALL SYSTEM, REFER TO SHEETS 44-45
- A15 10' WIDE MULTI-MODAL PATH
- A16 NOSE DOWN CURB
- A17 END OF ROAD WAY MARKER (OM 4-3)
- A18 4" WIDE PAINTED YELLOW STRIPE

N:325434.85
E:648180.40

N/F
SHAWNEE FARM LLC
1-30-3.00-261.02
PB-136-89

?? = RADIUS AT FACE OF GUTTER
* ANY RADIUS NOT NOTED = 3'-0"

SITE PLAN



MATCH LINE (SEE DWG No. 6)

MATCH LINE (SEE DWG No. 7)

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ARCHITECTS, ENGINEERS & SURVEYORS
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MILFORD, DELAWARE (302) 424-1441



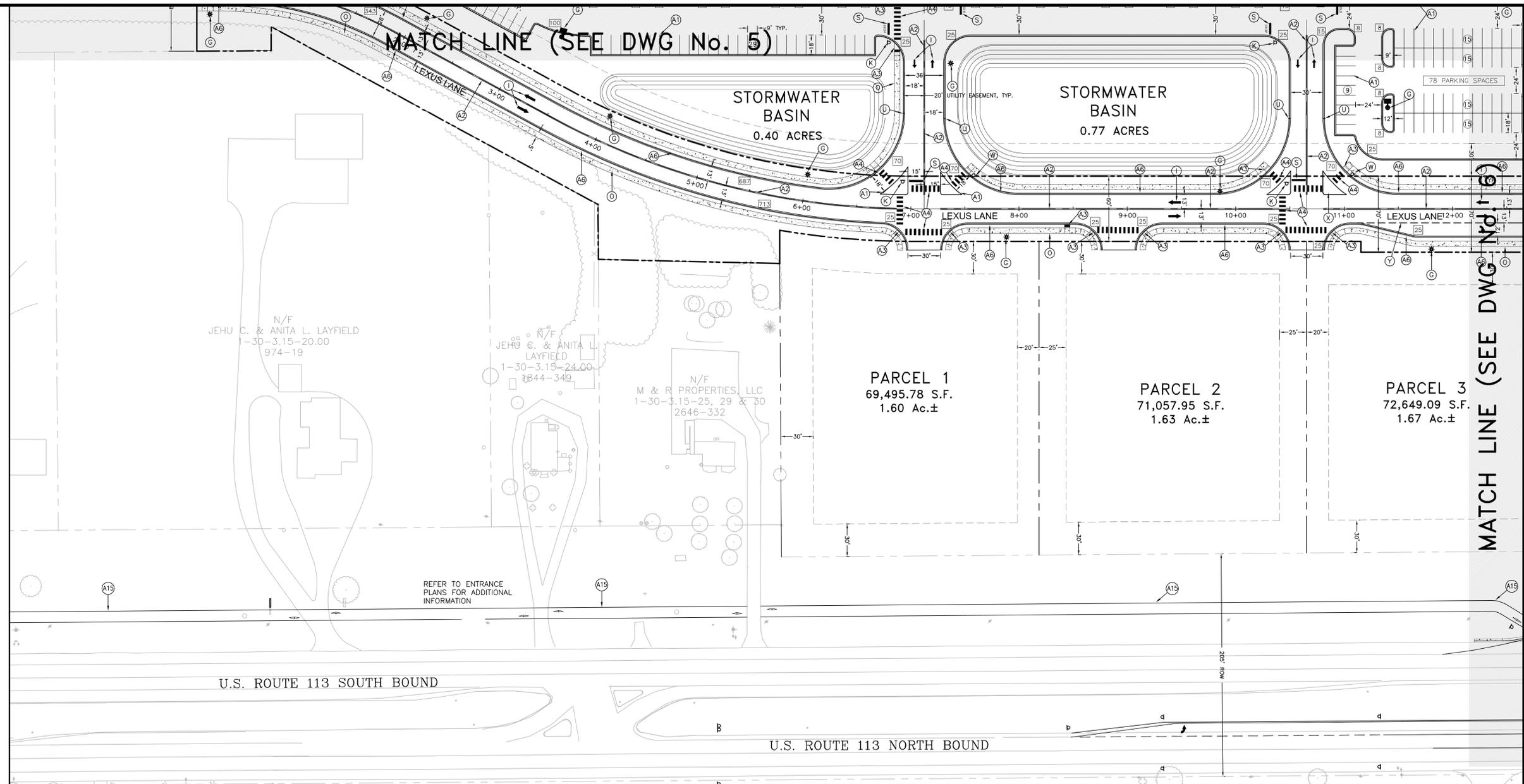
SITE PLAN

CYPRESS HALL COMMERCIAL
CITY OF MILFORD
CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

Date: APRIL 2010
Scale: 1" = 50'
Dwn.By: CRS
Proj.No.: 1423A002J
Dwg.No.:

5

?? = RADIUS AT FACE OF GUTTER
 * ANY RADIUS NOT NOTED = 3'-0"

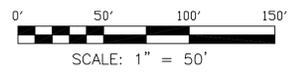


MATCH LINE (SEE DWG No. 16)

KEYED NOTES

- (A) 3'-0" WIDE PEDESTRIAN CROSSWALK WITH 4" WIDE PAINTED YELLOW STRIPING @ 4'-0" O.C. AND 45° TO DIRECTION OF TRAFFIC.
- (B) PAINTED YELLOW "LOADING ZONE" @ 100'-0" O.C. 24" HIGH MAX.
- (C) 4" WIDE X 100' LONG WHITE PAINTED ALIGNMENT STRIPE.
- (D) 4" WIDE PAINTED YELLOW STRIPING @ 4'-0" O.C. & 45° TO DIRECTION OF TRAFFIC.
- (E) 6" PIPE BOLLARD - REFER TO SITE DETAILS.
- (F) FIRE DEPARTMENT BUILDING CONNECTION.
- (G) SITE LIGHTING POLE LOCATION - REFER TO SITE DETAILS
- (H) HANDICAP ACCESSIBLE PARKING SPACE WITH SIGN - SEE SHEET 19 FOR ACCESSIBLE PARKING SPACE AND SIGNAGE DETAIL.
- (I) PAINTED DIRECTIONAL ARROWS (WHITE) - REFER TO SITE DETAILS.
- (J) TRUCK ROUTE SIGN - REFER TO SITE DETAILS.
- (K) STOP SIGN - REFER TO SITE DETAILS.
- (L) (8) SINGLE CART CORRALS SUPPLIED AND INSTALLED BY LOWES
- (M) (6) SINGLE CART CORRALS SUPPLIED AND INSTALLED BY RETAIL STORE
- (N) NO PARKING "FIRE LANE" SIGN, MAX. SPACING 150' O.C. - REFER TO SITE DETAILS.
- (O) 5' WIDE POURED CONCRETE SIDEWALK, REFER TO SITE DETAILS.
- (P) GAS METER LOCATION.
- (Q) PAINTED YELLOW STRIPE OR CURB - FIRE LANE INDICATOR. REFER TO FIRE PROTECTION PLAN.
- (R) GENERATOR LOCATION - REFER TO ARCHITECTURAL DRAWINGS.
- (S) 16" WIDE PAINTED STOP BAR (WHITE).
- (T) ELECTRICAL TRANSFORMER LOCATION
- (U) TRANSITION FROM INTEGRAL P.C.C. TYPE 3 CURB AND GUTTER TO MODIFIED INTEGRAL P.C.C. CURB AND GUTTER
- (V) PEDESTRIAN CROSSING SIGN - REFER TO SITE DETAILS.
- (W) YIELD SIGN, REFER TO SITE DETAILS.
- (X) P.C.C. CURB TYPE 2, REFER TO SITE DETAILS.
- (Y) 4" WIDE WHITE PAINTED DASHED STRIPE
- (Z) TRANSITION FROM INTEGRAL P.C.C. TYPE 3 CURB AND GUTTER TO PCC CURB TYPE 2
- (A1) 4" WIDE PAINTED WHITE STRIPE
- (A2) DOUBLE 4" WIDE PAINTED YELLOW STRIPES (6" SPACING)
- (A3) DEPRESSED CURB FOR HANDICAP RAMP (TYP.)
- (A4) 6' WIDE PEDESTRIAN CROSSWALK, REFER TO SITE DETAILS.
- (A5) DUMPSTER ENCLOSURE - REFER TO SITE DETAILS.
- (A6) INTEGRAL P.C.C. CURB AND GUTTER, TYPE 3 - REFER TO SITE DETAILS.
- (A7) CONCRETE WHEEL STOPS (24 REQUIRED)
- (A8) PYLON SIGN
- (A9) WOODEN PRIVACY FENCE - REFER TO SITE DETAILS
- (A10) DO NOT ENTER SIGN - REFER TO SITE DETAILS
- (A11) NO LEFT TURN SIGN - REFER TO SITE DETAILS
- (A12) NO OUTLET SIGN - REFER TO SITE DETAILS
- (A13) INCOMING TRAFFIC SIGN - REFER TO SITE DETAILS
- (A14) STANDARD ENGINEERED RETAINING WALL SYSTEM, REFER TO SHEETS 44-45
- (A15) 10' WIDE MULTI-MODAL PATH
- (A16) NOSE DOWN CURB
- (A17) END OF ROAD WAY MARKER (OM 4-3)
- (A18) 4" WIDE PAINTED YELLOW STRIPE

SITE PLAN



DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS



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 MILFORD, DELAWARE (302) 424-1441

SITE PLAN

CYPRESS HALL COMMERCIAL
CITY OF MILFORD
CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

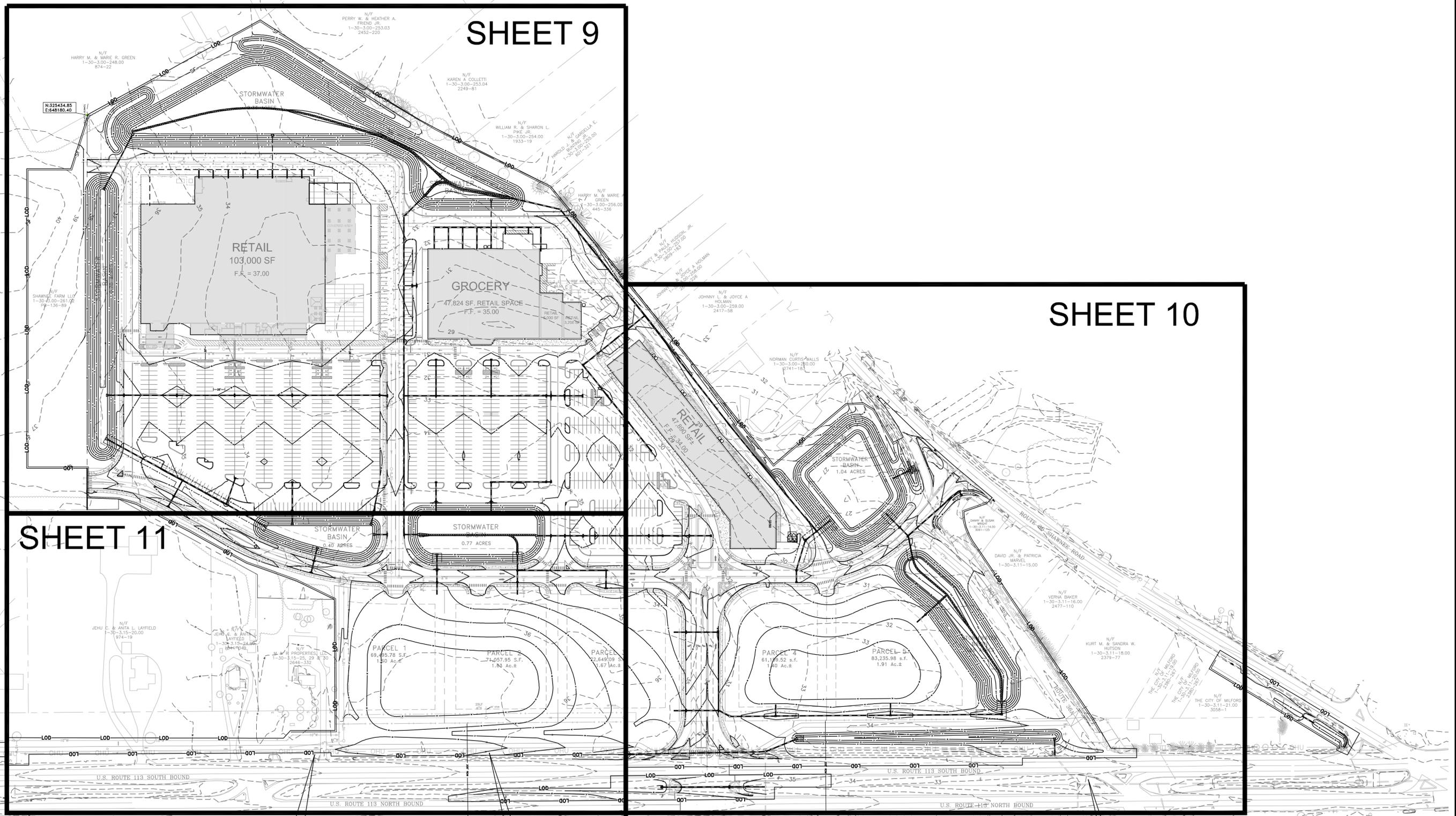
Date: APRIL 2010
 Scale: 1" = 50'
 Dwn.By: CRS
 Proj.No.: 1423A002J
 Dwg.No.:



SHEET 9

SHEET 10

SHEET 11



BENCHMARK:
N.W. BONNET BOLT
ON FIRE HYDRANT
ELEV.=37.57'
SET 6/19/2008

BENCHMARK:
IRON ROD & CAP
SET
ELEV.=37.58'
SET 5/12/2005

BENCHMARK:
I-MARK
ELEV.=33.73'
SET 5/12/2005

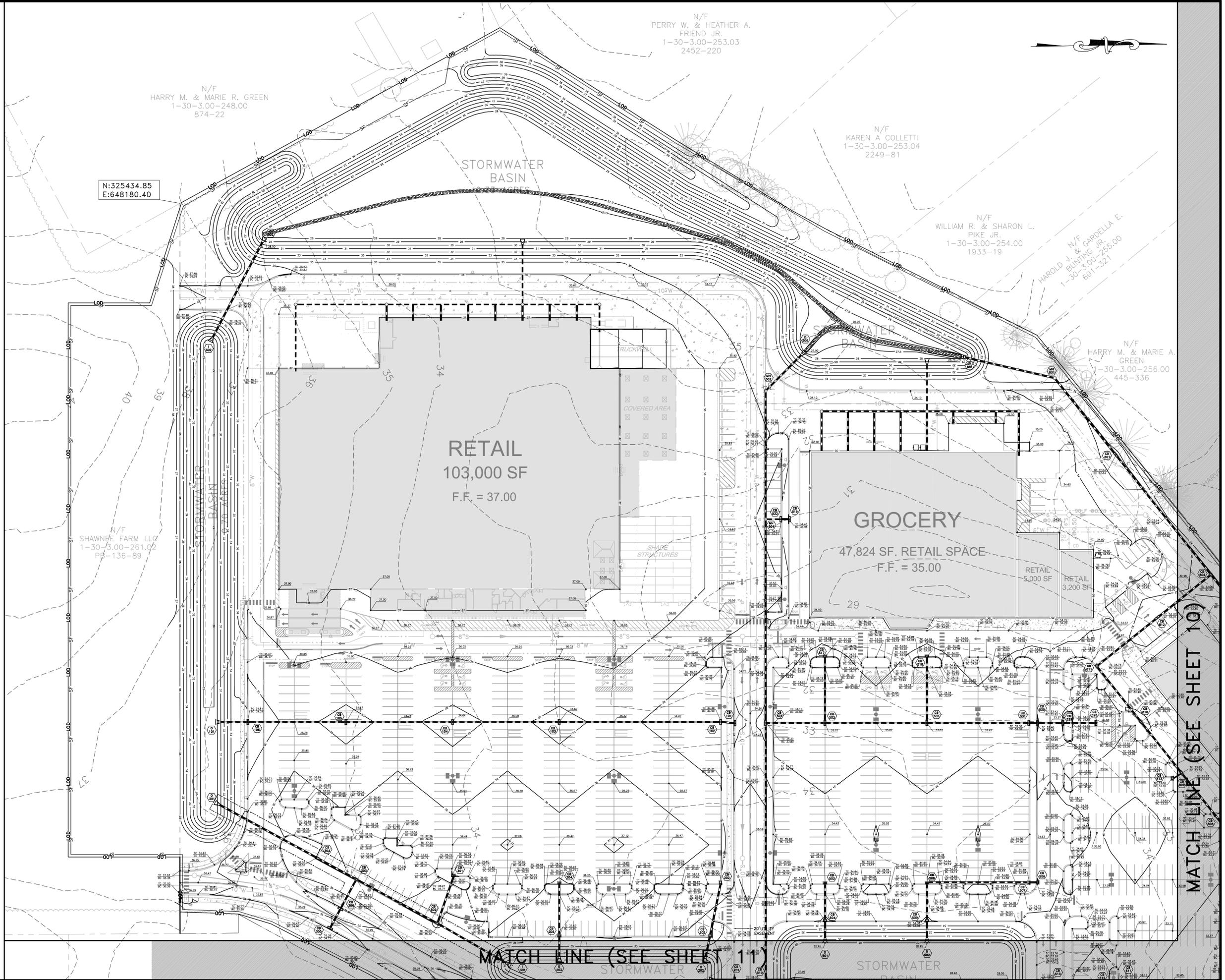
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MILFORD, DELAWARE (302) 424-1441



GRADING AND DRAINAGE PLAN

CYPRESS HALL COMMERCIAL
CITY OF MILFORD
CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

Date: JULY, 2008
Scale: 1" = 100'
Dwn.By: CRS
Proj.No.: 1423A002J
Dwg.No.:



N/F
 PERRY W. & HEATHER A.
 FRIEND JR.
 1-30-3.00-253.03
 2452-220

N/F
 HARRY M. & MARIE R. GREEN
 1-30-3.00-248.00
 874-22

N/F
 KAREN A COLLETTI
 1-30-3.00-253.04
 2249-81

N/F
 WILLIAM R. & SHARON L.
 PIKE JR.
 1-30-3.00-254.00
 1933-19

N/F
 HAROLD J. & GAOELLA E.
 BUNTING JR.
 1-30-3.00-255.00
 601-321

N/F
 HARRY M. & MARIE A.
 GREEN
 1-30-3.00-256.00
 445-336

N:325434.85
 E:648180.40

N/F
 SHAWNIE FARM LLC
 1-30-3.00-261.02
 PB-136-89

MATCH LINE (SEE SHEET 10)

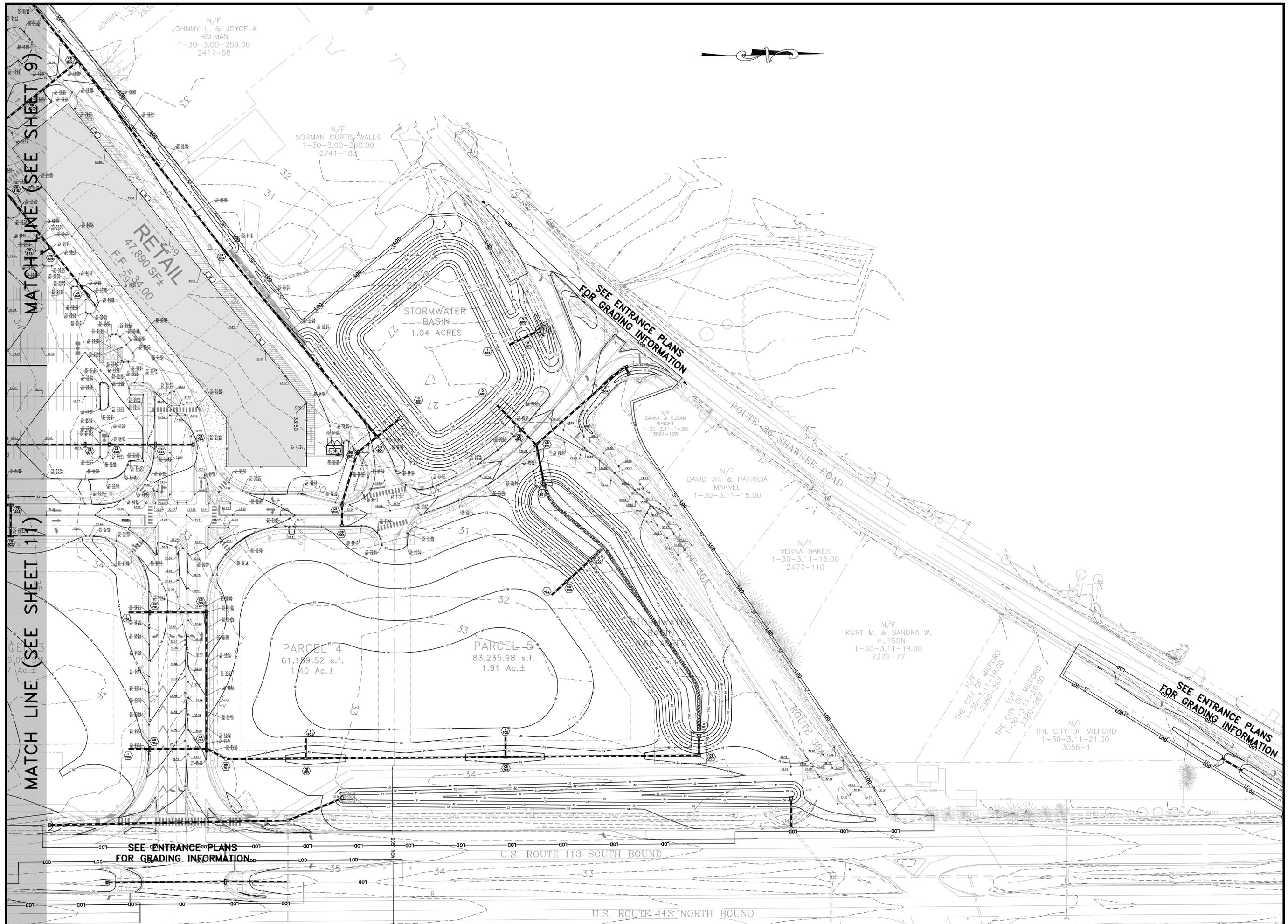
MATCH LINE (SEE SHEET 11)

dbf
 DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 SALISBURY, MARYLAND (410) 543-9091
 MILFORD, DELAWARE (302) 424-1441

GRADING AND DRAINAGE PLAN

CYPRESS HALL COMMERCIAL
 CITY OF MILFORD
 CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

Date: JULY, 2008
 Scale: 1" = 50'
 Dwn.By: CRS
 Proj.No.: 1423A002J
 Dwg.No.:



MATCH LINE (SEE SHEET 9)

MATCH LINE (SEE SHEET 11)

SEE ENTRANCE PLANS FOR GRADING INFORMATION

SEE ENTRANCE PLANS FOR GRADING INFORMATION

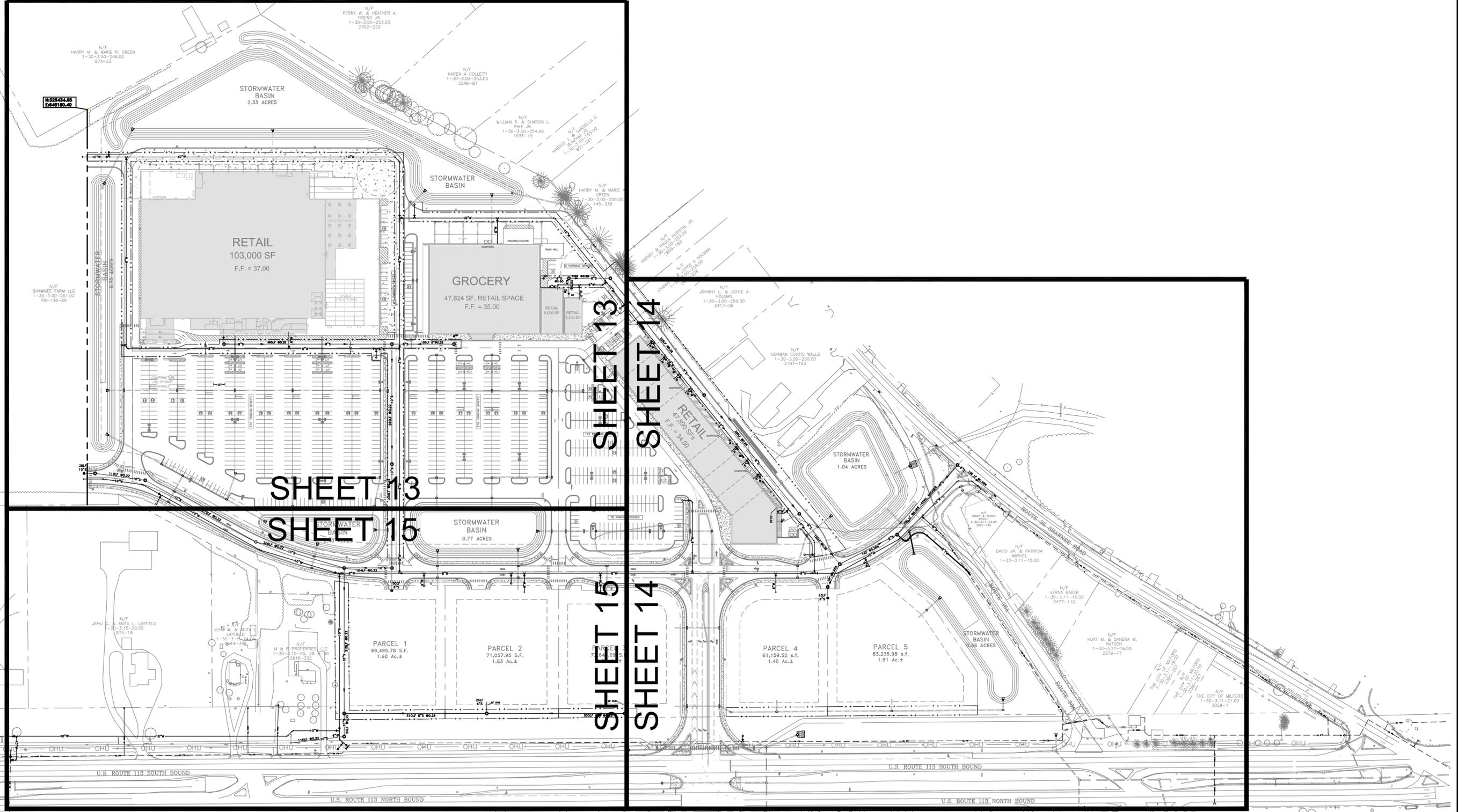
SEE ENTRANCE PLANS FOR GRADING INFORMATION

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GRADING AND DRAINAGE PLAN

CYPRESS HALL COMMERCIAL
CITY OF MILFORD
CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

Date: JULY, 2008
 Scale: 1" = 50'
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 Proj. No.: 1423A002J
 Dwg. No.:



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UTILITY PLAN

CYPRESS HALL COMMERCIAL
CITY OF MILFORD
CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

9-12-08 ODW COMMENTS
 02-8-11 ODW COMMENTS

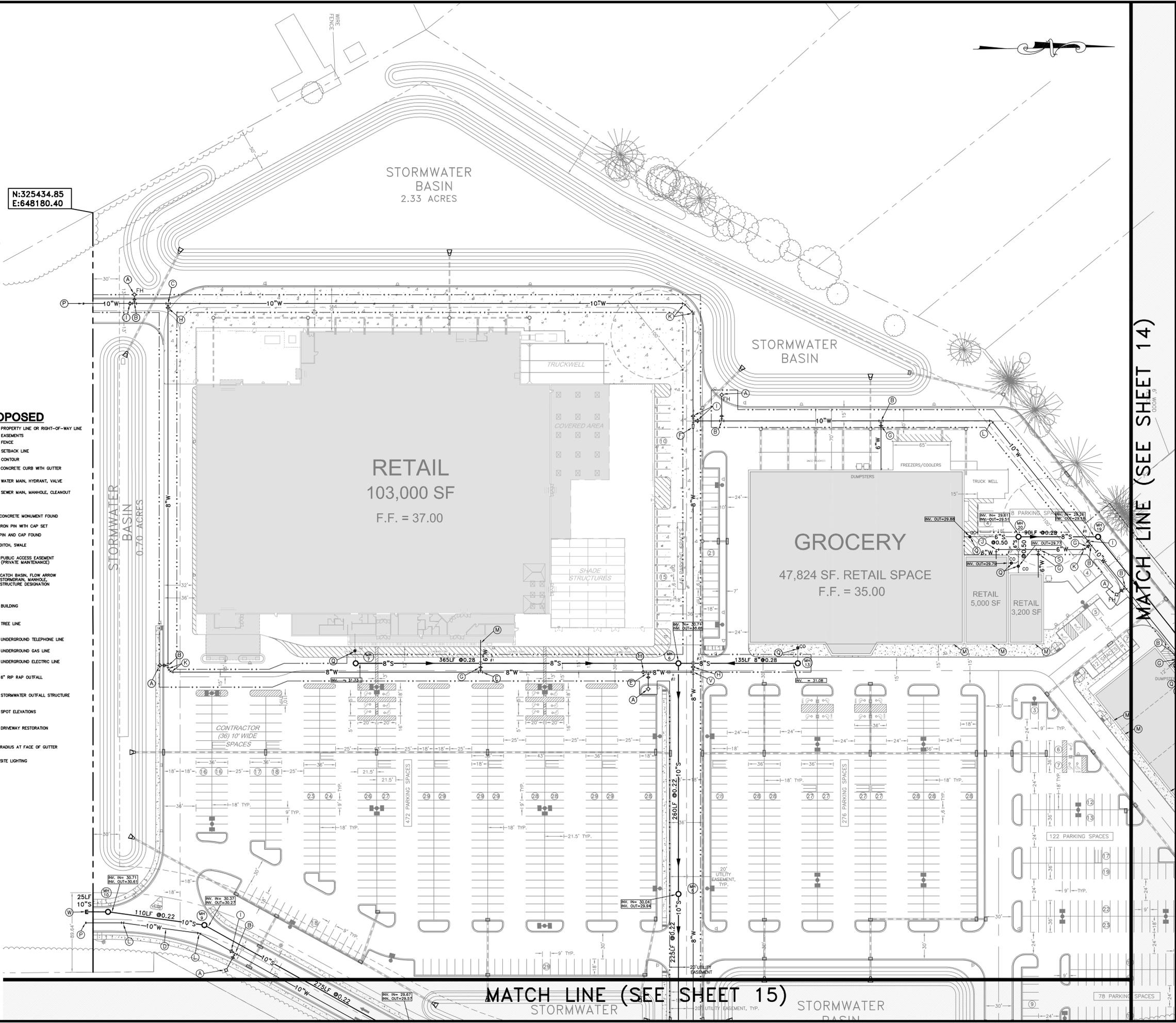
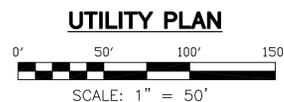
Date: JULY, 2008
 Scale: 1" = 100'
 Dwn.By: CRS
 Proj.No.: 1423A002J
 Dwg.No.:

KEYED NOTES:

- (A) FIRE HYDRANT ASSEMBLY
- (B) 10" x 10" x 6" TEE
- (C) 10" x 10" x 8" TEE
- (D) 10" x 10" x 10" TEE
- (E) 8" x 8" x 6" TEE
- (F) 10" x 8" REDUCER
- (G) 6" GATE VALVE
- (H) 8" GATE VALVE
- (I) 10" GATE VALVE
- (J) --NOT USED--
- (K) 45° BEND
- (L) 22 1/2° BEND
- (M) FIRE DEPARTMENT CONNECTION
- (N) 6" PLUG AND TEMPORARY BUTTRESS FOR FUTURE CONNECTION (BY OTHERS)
- (O) 8" PLUG AND TEMPORARY BUTTRESS FOR FUTURE CONNECTION
- (P) 10" PLUG AND TEMPORARY BUTTRESS FOR FUTURE CONNECTION (BY OTHERS)
- (Q) SANITARY SEWER CLEANOUT - SEE DETAIL
- (R) ELECTRIC SERVICE (COORDINATE WITH CITY OF MILFORD ELECTRIC DEPARTMENT)
- (S) 6" x 6" x 6" CUT-IN TEE
- (T) PLUG BOTH ENDS OF EXISTING 6" WATERMAIN, AND ABANDON IN PLACE, CONNECT EXISTING SERVICES TO NEW 10" WATERMAIN
- (U) RELOCATE EXISTING FIRE HYDRANT ASSEMBLY
- (V) 6" x 6" x 6" TEE
- (W) PLUG GRAVITY SEWER FOR FUTURE EXTENSION (BY OTHERS)
- (X) CONNECT TO EXISTING MANHOLE
- (Y) 10"x10"x10" TAPPING TEE AND VALVE
- (Z) 6" x 6" x 6" CUT-IN TEE

LEGEND

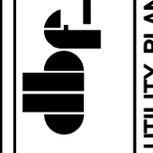
| EXISTING | PROPOSED |
|------------------------------------|---|
| PROPERTY LINE OR RIGHT-OF-WAY LINE | PROPERTY LINE OR RIGHT-OF-WAY LINE |
| EASEMENTS | EASEMENTS |
| FENCE | FENCE |
| SETBACK LINE | SETBACK LINE |
| EXISTING CONTOUR | CONTOUR |
| CONCRETE CURB WITH GUTTER | CONCRETE CURB WITH GUTTER |
| WATER MAIN, HYDRANT, VALVE | WATER MAIN, HYDRANT, VALVE |
| SEWER MAIN, MANHOLE, CLEANOUT | SEWER MAIN, MANHOLE, CLEANOUT |
| CONCRETE MONUMENT FOUND | CONCRETE MONUMENT FOUND |
| IRON PIN WITH CAP SET | IRON PIN WITH CAP SET |
| PIN AND CAP FOUND | PIN AND CAP FOUND |
| DITCH, SWALE | DITCH, SWALE |
| STORMDRAIN, WITH FLOW ARROW | CATCH BASIN, FLOW ARROW, STORMDRAIN, MANHOLE, STRUCTURE DESIGNATION |
| BUILDING | BUILDING |
| TREE LINE | TREE LINE |
| UNDERGROUND TELEPHONE LINE | UNDERGROUND TELEPHONE LINE |
| UNDERGROUND GAS LINE | UNDERGROUND GAS LINE |
| UNDERGROUND ELECTRIC LINE | UNDERGROUND ELECTRIC LINE |
| OVERHEAD ELECTRIC SERVICE | 6" RISER OUTFALL |
| SPOT ELEVATION | STORMWATER OUTFALL STRUCTURE |
| | SPOT ELEVATIONS |
| | DRIVEWAY RESTORATION |
| | RADIUS AT FACE OF GUTTER |
| | SITE LIGHTING |



MATCH LINE (SEE SHEET 14)

MATCH LINE (SEE SHEET 15)

DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
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 MILFORD, DELAWARE (302) 424-1441



UTILITY PLAN

CYPRESS HALL COMMERCIAL
 CITY OF MILFORD
 CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

9-12-08 ODW COMMENTS
 02-8-11 ODW COMMENTS

Date: JULY, 2008
 Scale: 1" = 50'
 Dwn. By: RK
 Proj. No.: 1423A002J
 Dwg. No.:

STANDARD NOTES FOR UTILITY INSTALLATION

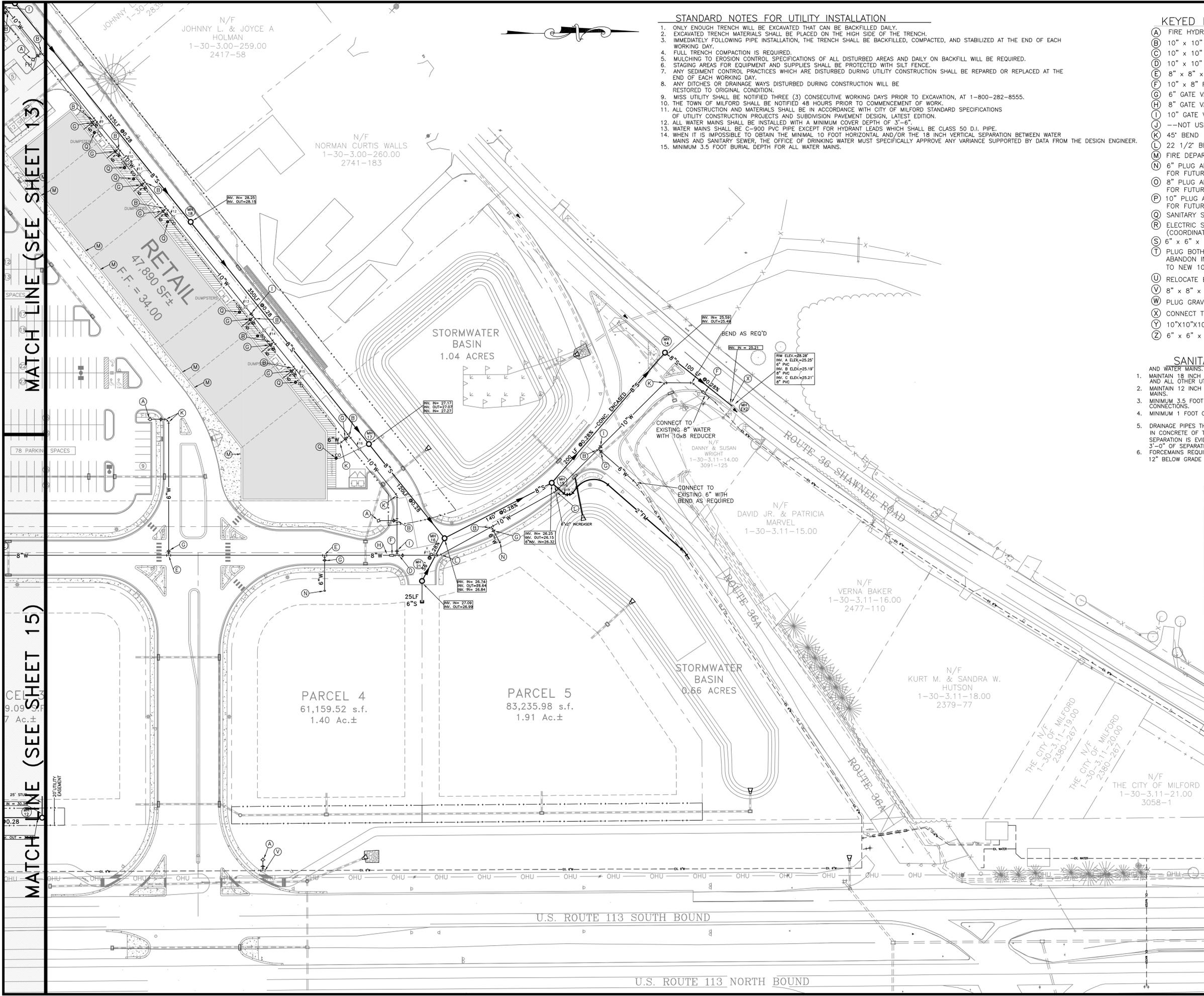
1. ONLY ENOUGH TRENCH WILL BE EXCAVATED THAT CAN BE BACKFILLED DAILY.
2. EXCAVATED TRENCH MATERIALS SHALL BE PLACED ON THE HIGH SIDE OF THE TRENCH.
3. IMMEDIATELY FOLLOWING PIPE INSTALLATION, THE TRENCH SHALL BE BACKFILLED, COMPACTED, AND STABILIZED AT THE END OF EACH WORKING DAY.
4. FULL TRENCH COMPACTION IS REQUIRED.
5. MULCHING TO EROSION CONTROL SPECIFICATIONS OF ALL DISTURBED AREAS AND DAILY ON BACKFILL WILL BE REQUIRED.
6. STAGING AREAS FOR EQUIPMENT AND SUPPLIES SHALL BE PROTECTED WITH SILT FENCE.
7. ANY SEDIMENT CONTROL PRACTICES WHICH ARE DISTURBED DURING UTILITY CONSTRUCTION SHALL BE REPAIRED OR REPLACED AT THE END OF EACH WORKING DAY.
8. ANY DITCHES OR DRAINAGE WAYS DISTURBED DURING CONSTRUCTION WILL BE RESTORED TO ORIGINAL CONDITION.
9. MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
10. THE TOWN OF MILFORD SHALL BE NOTIFIED 48 HOURS PRIOR TO COMMENCEMENT OF WORK.
11. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH CITY OF MILFORD STANDARD SPECIFICATIONS OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN, LATEST EDITION.
12. ALL WATER MAINS SHALL BE INSTALLED WITH A MINIMUM COVER DEPTH OF 3'-6".
13. WATER MAINS SHALL BE C-900 PVC PIPE EXCEPT FOR HYDRANT LEADS WHICH SHALL BE CLASS 50 D.I. PIPE.
14. WHEN IT IS IMPOSSIBLE TO OBTAIN THE MINIMAL 10 FOOT HORIZONTAL AND/OR THE 18 INCH VERTICAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER, THE OFFICE OF DRINKING WATER MUST SPECIFICALLY APPROVE ANY VARIANCE SUPPORTED BY DATA FROM THE DESIGN ENGINEER.
15. MINIMUM 3.5 FOOT BURIAL DEPTH FOR ALL WATER MAINS.

KEYED NOTES:

- (A) FIRE HYDRANT ASSEMBLY
- (B) 10" x 10" x 6" TEE
- (C) 10" x 10" x 8" TEE
- (D) 10" x 10" x 10" TEE
- (E) 8" x 8" x 6" TEE
- (F) 10" x 8" REDUCER
- (G) 6" GATE VALVE
- (H) 8" GATE VALVE
- (I) 10" GATE VALVE
- (J) --NOT USED--
- (K) 45° BEND
- (L) 22 1/2° BEND
- (M) FIRE DEPARTMENT CONNECTION
- (N) 6" PLUG AND TEMPORARY BUTTRESS FOR FUTURE CONNECTION (BY OTHERS)
- (O) 8" PLUG AND TEMPORARY BUTTRESS FOR FUTURE CONNECTION
- (P) 10" PLUG AND TEMPORARY BUTTRESS FOR FUTURE CONNECTION (BY OTHERS)
- (Q) SANITARY SEWER CLEANOUT - SEE DETAIL
- (R) ELECTRIC SERVICE (COORDINATE WITH CITY OF MILFORD ELECTRIC DEPARTMENT)
- (S) 6" x 6" x 6" TEE
- (T) PLUG BOTH ENDS OF EXISTING 6" WATERMAIN, AND ABANDON IN PLACE, CONNECT EXISTING SERVICES TO NEW 10" WATERMAIN
- (U) RELOCATE EXISTING FIRE HYDRANT ASSEMBLY
- (V) 8" x 8" x 8" TEE
- (W) PLUG GRAVITY SEWER FOR FUTURE EXTENSION (BY OTHERS)
- (X) CONNECT TO EXISTING MANHOLE
- (Y) 10"x10"x10" TAPPING TEE AND VALVE
- (Z) 6" x 6" x 6" CUT-IN TEE

SANITARY SEWER NOTES

1. MAINTAIN 18 INCH MINIMUM CLEARANCE BETWEEN SANITARY SEWER AND ALL OTHER UTILITIES.
2. MAINTAIN 12 INCH MINIMUM CLEARANCE BETWEEN SANITARY SEWER MAINS.
3. MINIMUM 3.5 FOOT OF PIPE COVERAGE FOR ALL SANITARY SEWER CONNECTIONS.
4. MINIMUM 1 FOOT OF PIPE COVERAGE FOR ALL LATERALS AND
5. DRAINAGE PIPES THAT CROSS THE MAIN SHALL WARRANT ENCASUREMENT IN CONCRETE OF THE SANITARY SEWER IF LESS THAN 6" OF SEPARATION IS EVIDENT ON UP TO 6" DIAMETER DRAINAGE PIPES, 3'-0" OF SEPARATION FOR LARGER DRAINAGE PIPES.
6. FORCEMAINS REQUIRE MAGNETIC INDICATOR TAPE 12" BELOW GRADE ALONG ENTIRE LENGTH OF FORCEMAIN.



MATCH LINE (SEE SHEET 13)

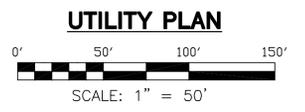
MATCH LINE (SEE SHEET 15)

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CYPRESS HALL COMMERCIAL
CITY OF MILFORD
 CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

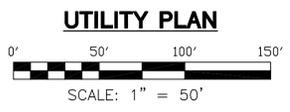
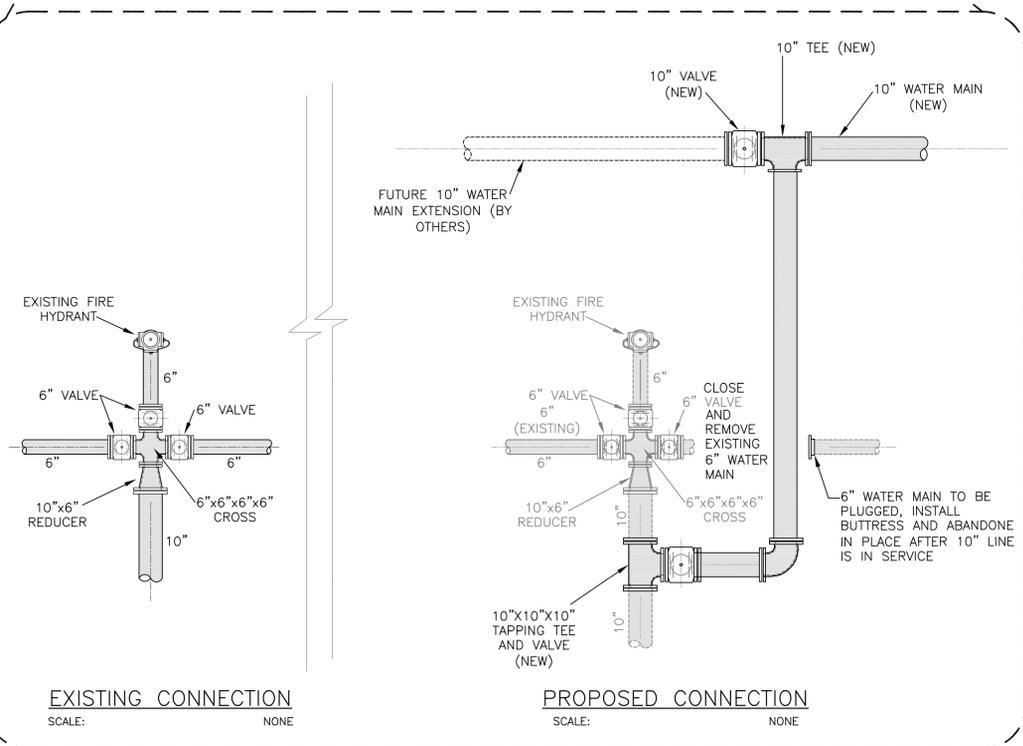
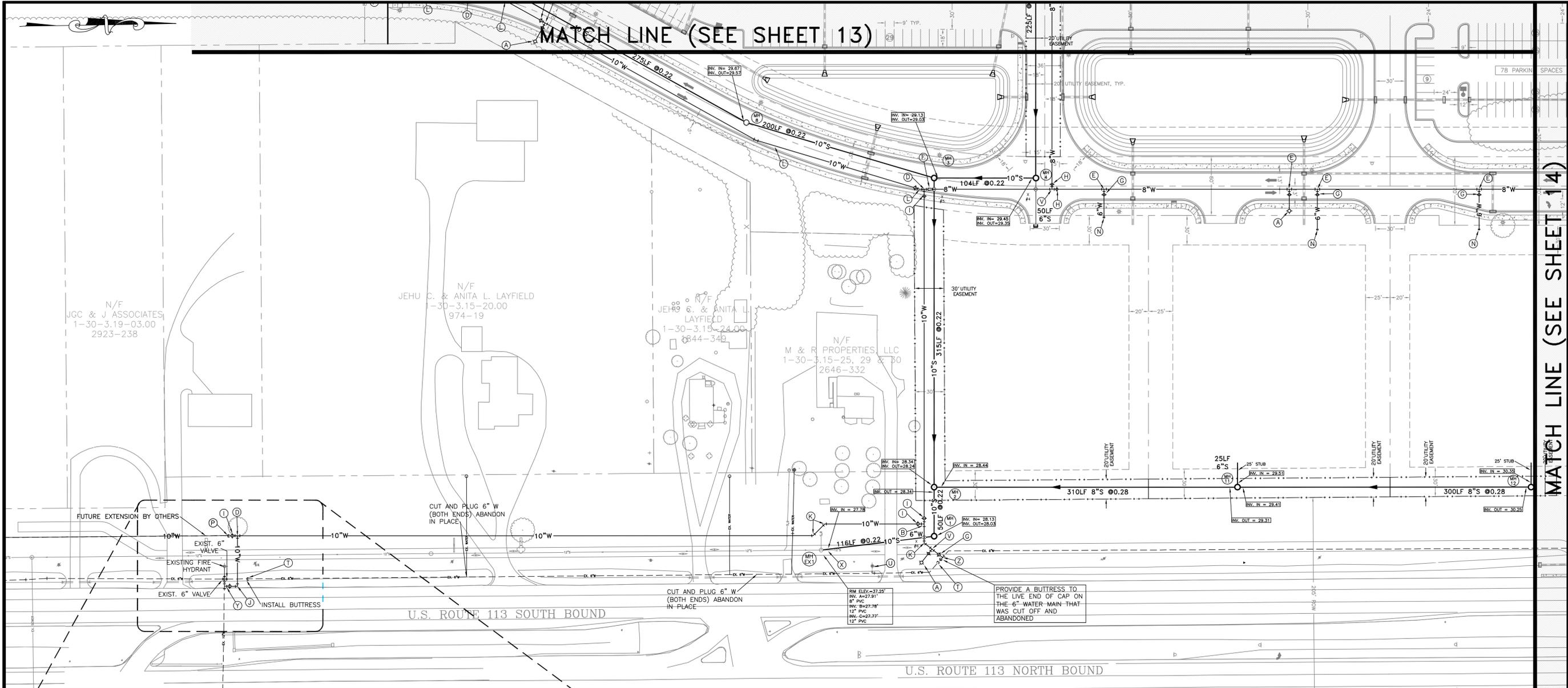
9-12-08 ODW COMMENTS
 02-8-11 ODW COMMENTS

Date: JULY, 2008
 Scale: 1" = 50'
 Dwn. By: RK
 Proj. No.: 1423A002J
 Dwg. No.:



MATCH LINE (SEE SHEET 13)

MATCH LINE (SEE SHEET 14)



KEYED NOTES:

- (A) FIRE HYDRANT ASSEMBLY
- (B) 10" x 10" x 6" TEE
- (C) 10" x 10" x 8" TEE
- (D) 10" x 10" x 10" TEE
- (E) 8" x 8" x 6" TEE
- (F) 10" x 8" REDUCER
- (G) 6" GATE VALVE
- (H) 8" GATE VALVE
- (I) 10" GATE VALVE
- (J) --NOT USED--
- (K) 45° BEND
- (L) 22 1/2° BEND
- (M) FIRE DEPARTMENT CONNECTION
- (N) 6" PLUG AND TEMPORARY BUTTRISS FOR FUTURE CONNECTION (BY OTHERS)
- (O) 8" PLUG AND TEMPORARY BUTTRISS FOR FUTURE CONNECTION
- (P) 10" PLUG AND TEMPORARY BUTTRISS FOR FUTURE CONNECTION (BY OTHERS)
- (Q) SANITARY SEWER CLEANOUT -- SEE DETAIL
- (R) ELECTRIC SERVICE (COORDINATE WITH CITY OF MILFORD ELECTRIC DEPARTMENT)
- (S) 6" x 6" x 6" TEE
- (T) PLUG BOTH ENDS OF EXISTING 6" WATERMAIN, AND ABANDON IN PLACE, CONNECT EXISTING SERVICES TO NEW 10" WATERMAIN
- (U) RELOCATE EXISTING FIRE HYDRANT ASSEMBLY
- (V) 8" x 8" x 8" TEE
- (W) PLUG GRAVITY SEWER FOR FUTURE EXTENSION (BY OTHERS)
- (X) CONNECT TO EXISTING MANHOLE
- (Y) 10"x10"x10" TAPPING TEE AND VALVE
- (Z) 6" x 6" x 6" CUT-IN TEE

SANITARY SEWER NOTES

1. MAINTAIN 18 INCH MINIMUM CLEARANCE BETWEEN SANITARY SEWER AND WATER MAINS.
2. MAINTAIN 12 INCH MINIMUM CLEARANCE BETWEEN SANITARY SEWER AND ALL OTHER UTILITIES.
3. MINIMUM 3.5 FOOT OF PIPE COVERAGE FOR ALL SANITARY SEWER MAINS.
4. MINIMUM 1 FOOT OF PIPE COVERAGE FOR ALL LATERALS AND CONNECTIONS.
5. DRAINAGE PIPES THAT CROSS THE MAIN SHALL WARRANT ENCASEMENT IN CONCRETE OF THE SANITARY SEWER IF LESS THAN 6" OF SEPARATION IS EVIDENT ON UP TO 6" DIAMETER DRAINAGE PIPES, 3'-0" OF SEPARATION FOR LARGER DRAINAGE PIPES.
6. FORCEMAINS REQUIRE MAGNETIC INDICATOR TAPE 12" BELOW GRADE ALONG ENTIRE LENGTH OF FORCEMAIN.

STANDARD NOTES FOR UTILITY INSTALLATION

1. ONLY ENOUGH TRENCH WILL BE EXCAVATED THAT CAN BE BACKFILLED DAILY.
2. EXCAVATED TRENCH MATERIALS SHALL BE PLACED ON THE HIGH SIDE OF THE TRENCH.
3. IMMEDIATELY FOLLOWING PIPE INSTALLATION, THE TRENCH SHALL BE BACKFILLED, COMPACTED, AND STABILIZED AT THE END OF EACH WORKING DAY.
4. FULL TRENCH COMPACTION IS REQUIRED.
5. MULCHING TO EROSION CONTROL SPECIFICATIONS OF ALL DISTURBED AREAS AND DAILY ON BACKFILL WILL BE REQUIRED.
6. STAGING AREAS FOR EQUIPMENT AND SUPPLIES SHALL BE PROTECTED WITH SILT FENCE.
7. ANY SEDIMENT CONTROL PRACTICES WHICH ARE DISTURBED DURING UTILITY CONSTRUCTION SHALL BE REPAIRED OR REPLACED AT THE END OF EACH WORKING DAY.
8. ANY DITCHES OR DRAINAGE WAYS DISTURBED DURING CONSTRUCTION WILL BE RESTORED TO ORIGINAL CONDITION.
9. MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
10. THE TOWN OF MILFORD SHALL BE NOTIFIED 48 HOURS PRIOR TO COMMENCEMENT OF WORK.
11. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH CITY OF MILFORD STANDARD SPECIFICATIONS OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN, LATEST EDITION.
12. ALL WATER MAINS SHALL BE INSTALLED WITH A MINIMUM COVER DEPTH OF 3'-6".
13. WATER MAINS SHALL BE C-900 PVC PIPE EXCEPT FOR HYDRANT LEADS WHICH SHALL BE CLASS 50 D.I. PIPE.
14. WHEN IT IS IMPOSSIBLE TO OBTAIN THE MINIMAL 10 FOOT HORIZONTAL AND/OR THE 18 INCH VERTICAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER, THE OFFICE OF DRINKING WATER MUST SPECIFICALLY APPROVE ANY VARIANCE SUPPORTED BY DATA FROM THE DESIGN ENGINEER.
15. MINIMUM 3.5 FOOT BURIAL DEPTH FOR ALL WATER MAINS.

DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 SALISBURY, MARYLAND (410) 543-9091
 MILFORD, DELAWARE (302) 424-1441



UTILITY PLAN

CYPRESS HALL COMMERCIAL
CITY OF MILFORD
CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

9-12-08 ODW COMMENTS
 02-8-11 ODW COMMENTS

Date: **JULY, 2008**
 Scale: **1" = 50'**
 Dwn. By: **RK**
 Proj. No.: **1423A002J**
 Dwg. No.:

15

N/F
PERRY W. & HEATHER A.
FRIEND JR.
1-30-3.00-253.03
2452-220

N/F
HARRY M. & MARIE R. GREEN
1-30-3.00-248.00
874-22

N/F
KAREN A COLLETTI
1-30-3.00-253.04
2249-81

N/F
WILLIAM R. & SHARON L.
PIKE JR.
1-30-3.00-254.00
1933-19

N/F
HAROLD J. & GARDELLA E.
BUNTING JR.
1-30-3.00-255.00
601-321

N/F
HARRY M. & MARIE R.
GREEN
1-30-3.00-256.00
445-336

STORMWATER
BASIN
2.33 ACRES

NOTE:
USE WET TOLERANT SEED MIX ON
DRY POND BOTTOM AND SIDE SLOPES.
(SEE SPECIFICATIONS SHEET 37)

STORMWATER
BASIN

STORMWATER
BASIN
0.70 ACRES

RETAIL
103,000 SF
F.F. = 37.00

GROCERY
47,824 SF. RETAIL SPACE
F.F. = 35.00

RETAIL
5,000 SF

RETAIL
3,200 SF

TRUCKWELL

COVERED AREA

SHADE
STRUCTURES

NOTE:
USE WET TOLERANT SEED MIX
ON DRY POND BOTTOM AND
SIDE SLOPES.
(SEE SPECIFICATIONS SHEET 37)

MATCH LINE (SEE SHEET 36)

MATCH LINE (SEE DWG No. 31)



LC
22

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

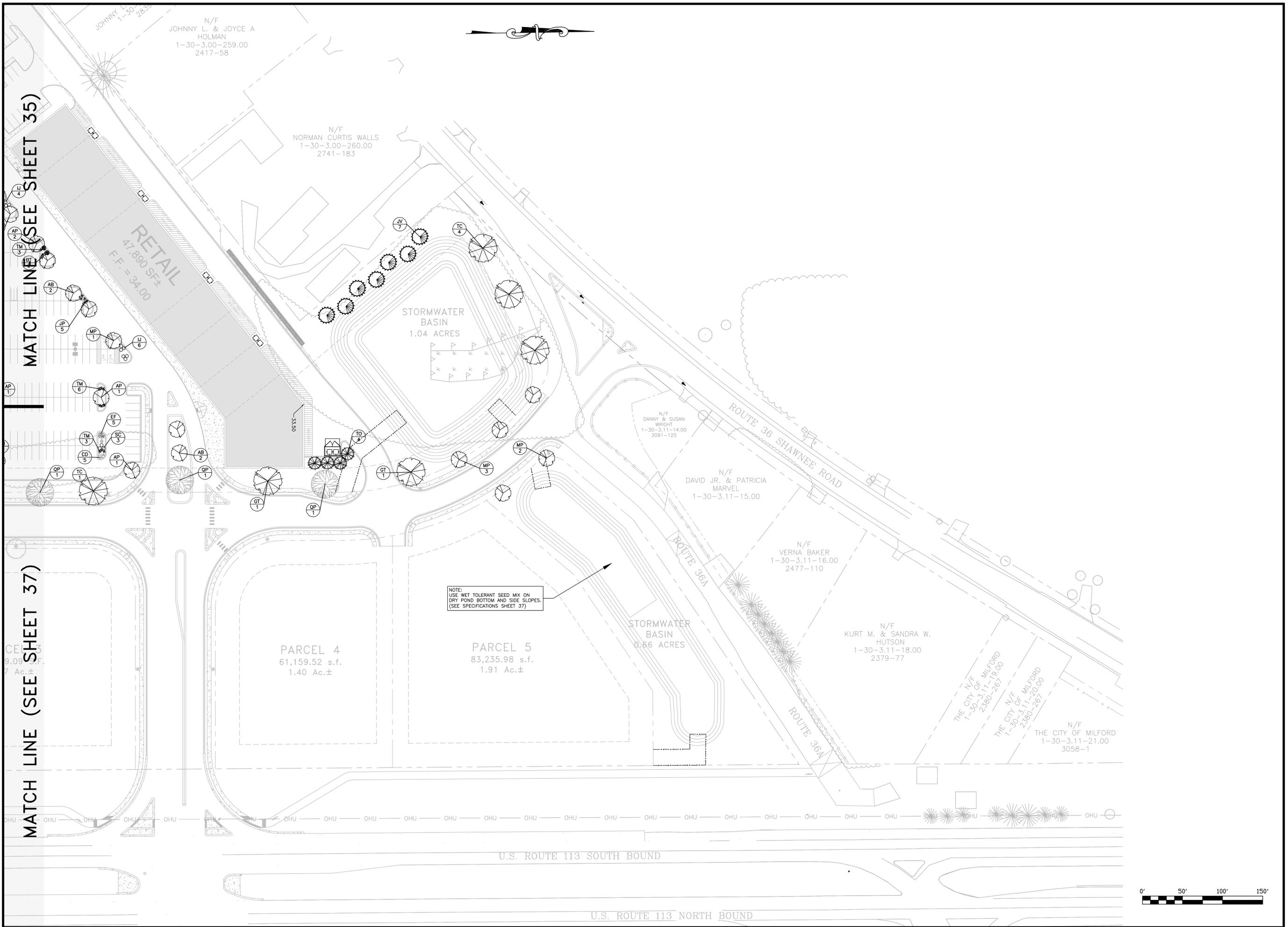


LANDSCAPE PLAN

CYPRESS HALL COMMERCIAL
CITY OF MILFORD
CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

Date: JULY, 2008
Scale: 1" = 50'
Dwn.By: RAK
Proj.No.: 1423A002J
Dwg.No.:

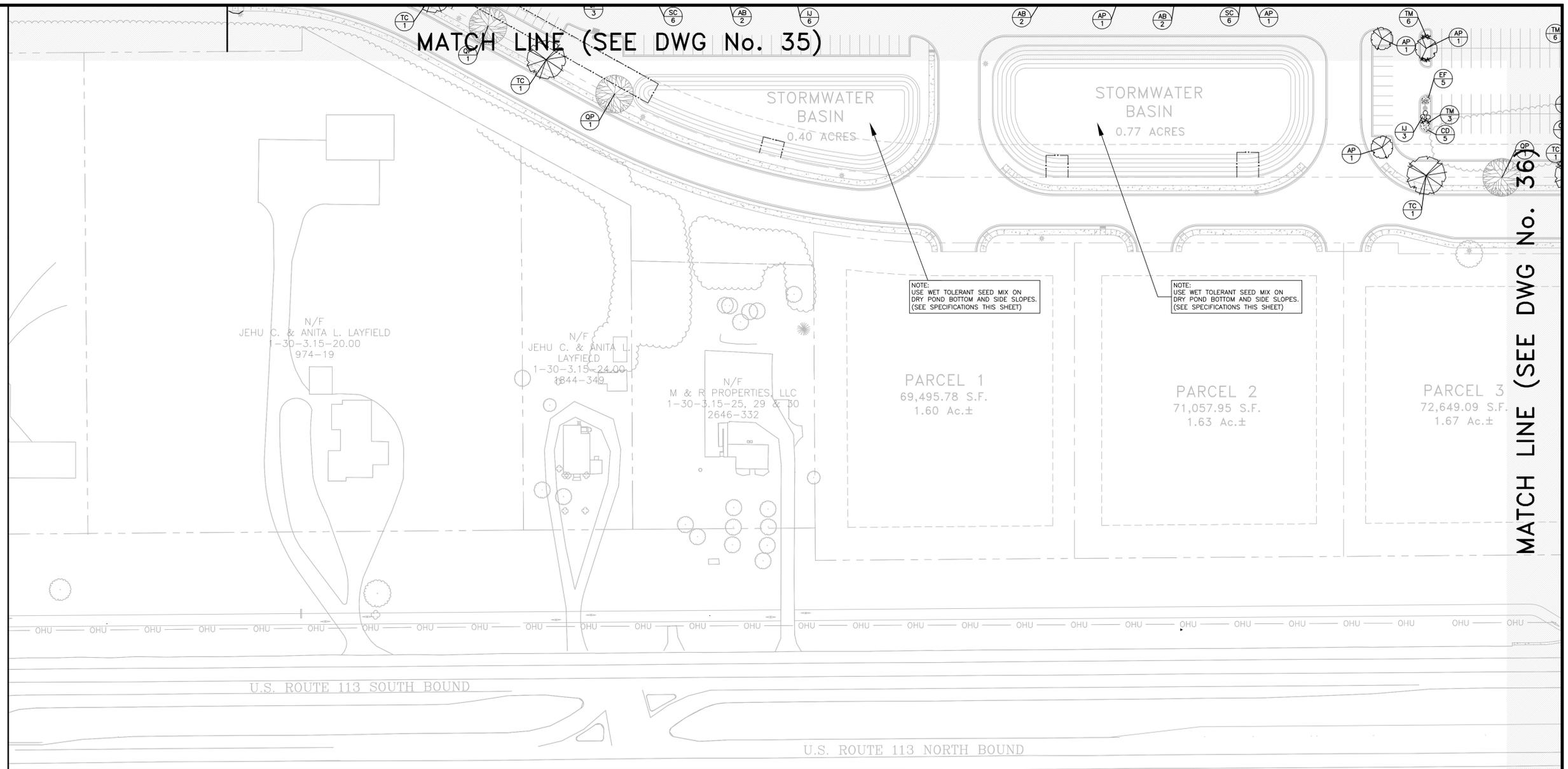
35



MATCH LINE (SEE SHEET 35)

MATCH LINE (SEE SHEET 37)





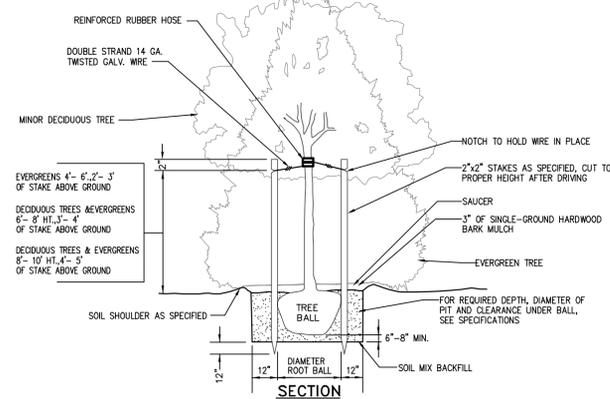
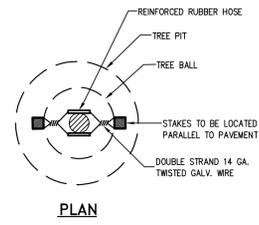
MATCH LINE (SEE DWG No. 36)

DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS

 SALISBURY, MARYLAND (410) 543-9091
 MILFORD, DELAWARE (302) 454-1441
LANDSCAPE PLAN

CYPRESS HALL COMMERCIAL
CITY OF MILFORD
CEDAR CREEK HUNDRED, SUSSEX COUNTY DELAWARE

| LANDSCAPE PLANT SCHEDULE | | | | | |
|---------------------------------|-----|---|--------------------------------|-----------------------|----------|
| SYMBOL | KEY | BOTANICAL NAME | COMMON NAME | SIZE | QUANTITY |
| DECIDUOUS SHADE TREE | | | | | |
| GT | | <i>Gleditsia triacanthos</i> 'Inermis' | THORNLESS HONEY LOCUST | 1 3/4" - 2" Cal., B&B | 7 |
| TC | | <i>Tilia cordata</i> | LITTLELEAF LINDEN | 1 3/4" - 2" Cal., B&B | 7 |
| QP | | <i>Quercus phellos</i> | WILLOW OAK | 1 3/4" - 2" Cal., B&B | 6 |
| DECIDUOUS FLOWERING TREE | | | | | |
| AB | | <i>Ameianchier x grandiflora</i> | AUTUMN BRILLIANCE SERVICEBERRY | 1 3/4" - 2" Cal., B&B | 22 |
| AP | | <i>Acer platanoides</i> 'Crimson Sentry' | CRIMSON SENTRY MAPLE | 1 3/4" - 2" Cal., B&B | 23 |
| MP | | <i>Malus</i> 'Prairiefire' | PRAIRIEFIRE CRABAPPLE | 1 3/4" - 2" Cal., B&B | 16 |
| EVERGREEN TREE | | | | | |
| JV | | <i>Juniperus virginiana</i> | EASTERN RED CEDAR | 4'-5' Ht., B&B | 45 |
| TO | | <i>Thuja occidentalis</i> 'Nigra' | AMERICAN ARBORVITAE | 4'-5' Ht., B&B | 14 |
| DECIDUOUS SHRUB | | | | | |
| BT | | <i>Berberis thunbergii</i> var. <i>atropurpurea</i> 'Rose Glow' | ROSY GLOW BARBERRY | 18-24", CONT. | 13 |
| U | | <i>Itea japonica</i> 'BEPPU' | JAPANESE SWEETSPICE | 18-24", CONT. | 31 |
| SC | | <i>Spiraea x bumalda</i> 'COCINEA' | IMPROVED DWARF RED SPIRAEA | 18-24", CONT. | 30 |
| EVERGREEN SHRUB | | | | | |
| JP | | <i>Juniperus chinensis</i> 'Pfitzeriana Compacta' | COMPACT PFITZER JUNIPER | 18-24", CONT. | 23 |
| TM | | <i>Toxus x media</i> 'Densiformis' | DENSE YEW | 18-24", CONT. | 27 |
| GROUNDCOVER | | | | | |
| CD | | <i>Cotoneaster dammeri</i> 'Royal Beauty' | ROYAL BEAUTY COTONEASTER | 18-24", CONT. | 10 |
| EF | | <i>Euonymus fortunei</i> 'Colorata' | PURPLELEAF WINTERCREEPER | 2 1/4" PEAT POT | 10 |



STAKING DETAIL
NO SCALE

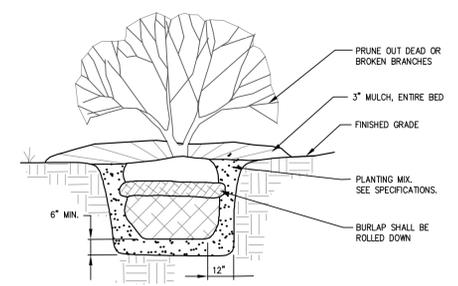
DRY DETENTION POND SEED MIXTURE

(WET TOLERANT SEED MIXTURE)

| SEED DESCRIPTION | RATE |
|----------------------------|---------------|
| TALL FESCUE | 25LBS / ACRE |
| STRONG CREEPING RED FESCUE | 20LBS / ACRE |
| PERENNIAL RYE GRASS | 20LBS / ACRE |
| ANNUAL RYE | 100LBS / ACRE |

GENERAL LANDSCAPE NOTES

- QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
- CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND FINAL ACCEPTANCE OF PHASE I SITE WORK HAS BEEN GIVEN. AT THE END OF ONE YEAR ALL PLANT MATERIAL WHICH IS DEAD OR DYING SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
- NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
- ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
- EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
- ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
- THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.
- THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
- ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
- THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.
- USE WET TOLERANT SEED MIXTURE ON ALL DRY DETENTION POND BOTTOMS AND SIDE SLOPES. (REFER TO SEED MIXTURE THIS SHEET)



SHRUB PLANTING DETAIL
NO SCALE



Date: JULY, 2008
 Scale: 1" = 50'
 Dwn.By: RAK
 Proj.No.: 1423A002J
 Dwg.No.:

From: Christine R. Crouch
Sent: Friday, April 08, 2011 7:38 AM
To: Terri Hudson
Subject: FW: Cypress Hall Commercial

Please add to the Cypress Hall Commercial packet.
Thank you.

Christine R. Crouch

Planning & Zoning
Enforcement & Inspections
302.424.3712 x308
F 302.424.3559

www.cityofmilford.com

From: Gary J. Norris
Sent: Thursday, April 07, 2011 9:45 AM
To: Christine R. Crouch
Subject: FW: Cypress Hall Commercial

From: David W. Baird
Sent: Thursday, April 07, 2011 9:45 AM
To: Gary J. Norris
Subject: Cypress Hall Commercial

Gary:
Per our discussion yesterday, it is my opinion the parking variance allowing 4.9 spaces remains valid. This is based upon the fact the site plan the variance was based upon:

1. The site plan continues to be an active site plan.
2. The applicant is in the process of requesting an extension of the site plan
3. The applicant has submitted for final site plan approval.

David W. Baird
City Manager
City of Milford
201 S. Walnut St.
Milford, DE 19963

302-424-3712
dbaird@milford-de.gov



PUBLIC NOTICE
PLANNING COMMISSION & CITY COUNCIL PUBLIC HEARINGS
City of Milford Zoning Code Amendment
Ordinance 2011-5

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Code on Tuesday, June 21, 2011 at 7:00 p.m.

A FINAL PUBLIC HEARING is scheduled on Monday, June 27, 2011 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2011-5 may be adopted, with or without amendments.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-5

Chapter 230: Zoning

It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor woodburning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, with the adoption of this article, it is the intention of the City of Milford to establish and impose restrictions upon the construction and operation of outdoor woodburning furnaces within the limits of the city for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the city and its inhabitants.

Section 1.

An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by defining and regulating Outdoor Woodburning Furnaces in the City of Milford.

Section 2.

Amends Article I, General Provisions, §230-4, Definitions, by adding a definition for Outdoor Woodburning Furnace.

OUTDOOR WOODBURNING FURNACE-An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

Section 3.

Amends Article I, General Provisions, §230-4, Definitions, by adding a definition for Firewood.

FIREWOOD-Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

Section 4.

Amends Article I, General Provisions, §230-4, Definitions, by adding a definition for Stack or Chimney.

STACK or CHIMNEY-Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a

roof.

Section 5.

Amends Article VIII, Miscellaneous Provisions, §230-41, Accessory Uses, by adding a new paragraph (D) regulating Outdoor Woodburning Furnaces, to read as follows:

D. Outdoor Woodburning Furnaces

(1) Prohibited

(A) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.

(2) Nonconforming Uses

(A) All woodburning furnaces operating within the City of Milford must be removed by the property owner from the subject premise no later than ~~April 30, 2012~~ AUGUST 31, 2011.

This will allow sufficient time for an alternate source of heat to be established. During the transition, such use shall conform with the following provisions:

(1) Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.

(2) Wood must be stored in a neat pile no closer than five feet from side and rear property lines.

Section 6. Dates.

Introduction to City Council: 06/13/11

Planning Commission Hearing: 06/21/11

City Council Hearing: 06/27/11

Ordinance becomes effective ten days following adoption date by City Council.

Both hearings will be held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

The public is invited to attend and encouraged to comment on the amendment to the Zoning Code. If unable to attend, written comments will be accepted but must be submitted to the City Clerk's Office one week prior to the hearing.

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office or by accessing the official website at cityofmilford.com.

By: Terri K. Hudson, CMC

From: danadscard@aol.com [mailto:danadscard@aol.com]
Sent: Thursday, June 23, 2011 12:39 PM
To: Terri Hudson
Subject: outdoor furnace

June 23, 2011

To Mayor and City Council:

I would like to make a few statements in regards to the outdoor furnace located on Dave Carr's property. I have found many burnt newspaper bits that have landed in my yard. I have also had to take my clothes off the line because of the smoke. The fumes have been noxious and have burned my eyes at times.

Dana M. Saxon
611 S. E. 2nd St.
Milford, DE 19963

PUBLIC NOTICE
PLANNING COMMISSION & CITY COUNCIL PUBLIC HEARINGS
City of Milford Zoning Code Amendment
Ordinance 2011-6

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Code on Tuesday, June 21, 2011 at 7:00 p.m.

A FINAL PUBLIC HEARING is scheduled on Monday, June 27, 2011 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2011-5 may be adopted, with or without amendments.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-6

Chapter 230: Zoning

Section 1.

An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by defining and regulating Recreational Vehicles in the City of Milford.

Section 2.

Amends Article I, General Provisions, §230-4, Definitions, by adding a definition for Recreational Vehicle.

RECREATIONAL VEHICLE- Any vehicle used for recreational purposes, including but not limited to, antique or classic autos, drag or race cars, motorcycles, boats, boat trailers, jet skis, campers, camper trailers, motor/mobile homes, snowmobiles, ATVs, all-terrain vehicles and utility trailers.

Section 3.

Amends Article I, General Provisions, §230-4, Definitions, by adding a definition for Vehicle Height.

VEHICLE HEIGHT - A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.

Section 4.

Amends Article I, General Provisions, §230-4, Definitions, by adding a definition for Vehicle Length.

VEHICLE LENGTH - A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/motor home will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.

Section 5. Amends Article IV, Off-Street Parking and Loading, §230-20 General Provisions, by inserting a new sentence at the end of Paragraph I, to read as follows:

(I) Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.

Section 6. Amends Article VIII, Miscellaneous Provisions, §230-44, Prohibited Uses, by amending Paragraph B and inserting text, to read as follows:

B. The parking, storing or keeping of a dismantled, inoperative or discarded motor vehicle, to include, but not limited to cars, boats, boat trailers, campers, tractors or any parts thereof unless within an enclosed building. All vehicles requiring tags/registration must be valid at all times and vehicles maintained in its original configuration. All boats requiring a trailer for transportation must be stored on a registered trailer.

Section 7. Dates.

Introduction to City Council: 06/13/11

Planning Commission Hearing: 06/21/11

City Council Hearing: 06/27/11

Ordinance becomes effective ten days following adoption date by City Council.

Both hearings will be held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

The public is invited to attend and encouraged to comment on the amendment to the Zoning Code. If unable to attend, written comments will be accepted but must be submitted to the City Clerk's Office one week prior to the hearing.

A complete copy of the Code of the City of Milford is available by request through the City Clerk's Office or by accessing the official website at cityofmilford.com.

By: Terri K. Hudson, CMC

City of Milford



PROCLAMATION

2011-9

RECOGNIZING OLIVIA "LIBBY" SCHMIDT AS GRAND REGENT

WHEREAS, the Women of the Moose, founded in 1913, is a unit of Moose International; and

WHEREAS, more than 400,000 women are members in approximately 1,600 chapters in all 50 states and four Canadian provinces; and

WHEREAS, Olivia Schmidt of Maryland joined Aberdeen, Maryland Chapter #1209 in 1973; and

WHEREAS, throughout the years, Olivia has contributed countless hours as she served her Chapter in many capacities and fulfilling various appointments made by the International Headquarters; and

WHEREAS, Olivia Schmidt is a life member of the Fraternity and earned the Academy Degree in 1976, College Degree in 1978 and Star Degree in 1980; and

WHEREAS, during the 1986-1987 year, Olivia Schmidt was the Deputy Grand Regent for MD-DE-DC, served on the College of Regents Board for 1991-1993 and was President of the College Board in 1997-1998; and

WHEREAS, Olivia Schmidt was a Grand Council Member in 1999-2001 and has been the Gimme Five Co-Chairman since 2007; and

WHEREAS, Olivia Schmidt served as a Deputy Regional Manager and as Chapter Analyst for MD-DE-DC; and

WHEREAS, Olivia Schmidt also holds membership in Milford, Delaware Chapter 1949; and

WHEREAS, Olivia Schmidt is a true leader and the Moose Organizations has been blessed and shaped by her will, her guidance and her vision; and

WHEREAS, the Mayor and City Council pause in its deliberations to honor Olivia Schmidt in recognition of these achievements and most notably, her designation as Grand Regent for the Years 2010-2011.

NOW THEREFORE, BE IT RESOLVED THAT, I, Joseph Ronnie Rogers, Mayor of the City of Milford, gratefully express my appreciation to OLIVIA "LIBBY" SCHMIDT for her commitment and dedication to the Women of the Moose since 1973 and proudly present her with a key to the City.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 27^h Day of June in the Year of our Lord Two Thousand and Eleven.

Mayor Joseph Ronnie Rogers

Attest:



Comcast
5729 West Denneys Road
Dover, DE 19904

June 10, 2011

Mr. David Baird
City Manager
City of Milford
201 S. Walnut Street
Milford, Delaware 19963

Dear Mr. Baird:

Comcast would like to advise you of the following change scheduled to occur within your community:

Beginning on June 30, 2011, new subscriptions to the Sports Entertainment Package (SEP) will require a subscription to Digital Starter or MultiLatino Max (where available). Customers who subscribe to the SEP before June 30th without a subscription to Digital Starter or MultiLatino Max, will continue to receive SEP until they make a change to their account or they receive further notice.

Customers are being notified of this information by bill message. However should residents contact you with questions regarding these changes, please do not hesitate to direct them to our toll free customer service number: 1-888-XFINITY (888-934-6489). Our Customer Account Executives are available 24 hours a day, 7 days a week to answer any questions regarding Comcast products, services and prices.

Please do not hesitate to contact me at (302) 672-5936 with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Thomas Worley", written in a cursive style.

R. Thomas Worley
Senior Director Government Regulatory Affairs

Letterhead Here

Milford Business Owner

The Milford Economic Development Advisory Panel (EDAP) was created to assist the City Council's Economic Development Committee. It is the direct outcome of a study of Milford's resources and potential performed by the consulting firm of Moran Stahl & Boyer and the "Economic Development Strategy" produced by John Rhodes as a result of that analysis.

This twelve question "Survey of Business Environment" is being conducted as part of the action items created to fulfill the six primary goals of that Economic Development Strategy. As a business owner, you have the opportunity to make a significant impact on the business environment here in Milford. Your answers will help define how the City moves forward to grow the business opportunities here in Milford. The results will, to the best of our ability, be used only to tabulate your stated needs, opinions and desires and enable EDAP to advise the City Council of those aims. It is only through open dialogue and combined efforts with Milford businesses that we can improve the economic climate for all existing businesses and attract those who will benefit us all.

Please take the time to thoughtfully complete the enclosed survey and return it by the stated deadline.

Signature/Salutation Here

LETTERHEAD HERE

Milford Survey of Business Environment

1) What is your position/job title?

- a) Owner ___ CEO ___ - COO ___ - Principal ___
- b) Manager - finance ___ - marketing ___ - personnel ___
- c) Other (please specify) _____

2) Type of business activity? Key Product

- a) Agricultural products ___ _____
- b) Manufacturing ___ _____
- c) Retail trade ___ _____
- d) Service Sector ___ _____
- e) Construction ___ _____
- f) Real Estate Development ___ _____
- g) Other (please specify) _____

3) Rate each of the following on how they impact your business's ability to expand.

1 = Significant Impact, 2 = Major, 3 = Moderate, 4 = Little, 5 = No Impact

- Roads ___ Electric rates ___ Water/Sewer ___ Solid Waste Disposal ___
Planning & Zoning Regulation ___ Education System ___ Crime ___
Recreation Amenities ___ Availability of Qualified Personnel _____

4) Approximately how much time per year does it take you to process and receive all of the required licenses and permits that allow you to operate a business?

Number of ___ days, Too Little ___ Reasonable ___ Too Much _____

5) In what skill areas do you feel potential employees need training?

Rank each skill from 1 to 5 according to priority, with 1 being the highest.

- a) Math skill ___
- b) Reading skills ___
- c) Technology/Science ___
- d) Computer ___
- e) Management skills ___

6) Please list in order of importance, the three factors that hinder you from expanding your business.

- a) _____
- b) _____
- c) _____

7) Please list, in order of importance, the three most important measures that the city government could introduce/undertake to make it easier for your business to grow.

- a) _____
- b) _____
- c) _____

8) Which Milford department/office most positively impact your business? Why?

- a) _____
- b) _____
- c) _____

9) Which are the fastest growing sectors/industries in Milford?

- a) _____
- b) _____

10) Which sector/industry in Milford is declining and needs Economic Development help?

- a) _____
- b) _____

11) What are the three most attractive business-enabling features for investors in Milford? Why?

- a) _____
- b) _____
- c) _____

12) What are three things you can do to contribute towards the development of the local economy/education in Milford?

- a) _____
- b) _____
- c) _____

If you wish to be part of future communications and surveys please enter an email address

_____ We will not share this email address with anyone.

Thank you for sharing your expertise.

City of Milford



RESOLUTION 2011-8

ACCEPTING PUBLIC IMPROVEMENTS FOR HEARTHSTONE MANOR SUBDIVISION

WHEREAS, Chapter 200 provides that public roads and public utilities shall be accepted into the City of Milford's Street System and Public Utility System by resolution of City Council; and

WHEREAS, the City Engineer has determined that all required improvements for the Hearthstone Manor Subdivision Phase 1 and Phase 2 and roads, including portions of Clearview Drive, that extend beyond those original phase lines have been completed; and

WHEREAS, the improvements in Phase 1 and Phase 2 and that of Clearview Drive have been in service by the residents and in full operation of the City Water and Sewer Department for several years, thus exceeding the prescribed one year warranty period; and

WHEREAS, the developer has recently completed all requested repairs to the streets, sewer and water utilities, thereby allowing the maintenance bond requirement to be waived; and

WHEREAS, the streets, easements and public utilities in Phase 1 and Phase 2 of Hearthstone Manor, including Hickory Branch Lane and Kingston Terrace in their entirety, Homestead Boulevard from Wilkins Road to the end of Phase I at the point where final paving ends and the portion of Clearview Drive where final paving has been completed, are hereby dedicated for public use as shown (highlighted) on the attached map of Hearthstone Manor Subdivision; and

WHEREAS, the remainder of Clearview Drive will be dedicated at the time of final paving; and

WHEREAS, for purposes of dedication, public utilities include potable water, sanitary sewer and electric power, and such operation and maintenance for the water and sewer systems will begin at the point these lines enter into the subdivision and extend to the water meters and/or sewer cleanouts serving individual lots or multi-family units; and

WHEREAS, the operation and maintenance for electric power utility will begin at the point it enters into the subdivision and extends to the meters for single family and multi-family units two stories or less in height; and

WHEREAS, city maintenance will end at the transformer(s) of residential units three or more stories in height and at any commercial service; and

WHEREAS, for purposes of dedication, public improvements shall include the stormwater infrastructure crossing city streets and extending to the storm water management ponds, including catch basins within the right of ways, but excluding all open swales; and

WHEREAS, the stormwater management ponds shall remain the responsibility of the Hearthstone developer, until such time the Homeowners' Association or Condominium Association accepts said responsibility; and

WHEREAS, the maintenance of swales along private property, including condominium property, shall be the property owners' responsibility.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milford during a regular session, by a favorable majority vote, accepts the streets, easements and operational public utilities, as described herein, as such streets, sewer, water and electric utilities of the Hearthstone Manor Subdivision are being dedicated for public use into the City of Milford's Street System and Public Utility System.

BE IT FURTHER RESOLVED that the City of Milford shall assume responsibility for the future maintenance and repair of the dedicated and completed streets and operational public utility systems, as described herein, in the Hearthstone Manor Subdivision.

AND BE IT FURTHER RESOLVED that the Delaware traffic laws regulating the speed of vehicles at twenty-five miles per hour in a residential district shall become applicable and the city maintenance of signs is restricted to city and state issued traffic signage; signs not meeting state standards shall remain the responsibility of the developer, Homeowners' Association or Condominium Association.

Attest: _____
Teresa K. Hudson, City Clerk

Signed: _____
Mayor Joseph R. Rogers

Adopted: June 27, 2011

Charles O'Boyle
24 Kingston Terrace
Milford, DE 19963
June 23, 2011

Mayor Joseph "Ronnie" Rogers
201 South Walnut Street
Milford, DE 19963

Dear Mayor Rogers:

After attending last night's meeting regarding the dedication of streets in Hearthstone Manor, I have a question which was not raised or addressed.

According to the "Declaration of Covenants, Conditions, and Restrictions of Hearthstone Manor", Article 9.1.5 "No street side parking or parking in the grass is permitted."

Will the streets be posted NO Parking?

This should be addressed before agreeing to incorporate these streets into the city.

Thank you for your assistance in this matter.

Sincerely,


Charles M. O'Boyle



PROPERTY ASSESSMENT DEPT.
302.424.3712, EXT 314 FAX 302.424.3559

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

Proposal

The City of Milford will receive sealed proposals on June 1, 2011 at 2:00 p.m. local time for the **REVALUATION SERVICES FOR THE 2012 ASSESSMENT FOR THE CITY OF MILFORD** The RFP must be submitted in three copies.

Questions

If you have questions concerning this Request for Proposal, they must be made in writing and emailed to the Assessment Department by close of business May 20, 2011

City of Milford
John Darsney Assessor
201 S Walnut St.
Milford, De 19963
Ph: (302)424-3712 ext 314
Fax: (302)424-3559
jdarsney@milford-de.gov

PROPOSALS MUST BE SUBMITTED TO THE ADDRESS BELOW BY 2:00 P.M. JUNE 1, 2011.

Terri Hudson
City Clerk
201 S Walnut St.
Milford De. 19963

The City of Milford is not responsible for delays in the delivery of the mail by the U.S. Postal Service, private couriers, or the inter office mail system. It is the sole responsibility of the Offerer to ensure that its proposal reaches the City Clerk by the designated date and hour

Proposals will be opened publicly at the time and place designated in this letter. The name of each offeror shall be read publicly and recorded. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing offerors during the process of negotiation. The main purpose of the bid opening is to reveal the name(s) of the bidder(s), not to serve as a forum for determining the low bidder(s).

It is the intent of the City to award the contract within sixty (60) days of the closing date to the offeror whose proposal is determined in writing to be the most advantageous to the City. All prices must be held firm for a minimum of one-hundred-twenty (120) days from the date of opening. The proposals, summaries, and tabulations shall not be open for public inspection until after receipt of a fully executed contract.

The City of Milford reserves the right to waive technicalities, to reject any or all bids, or any portion thereof, to advertise for new proposals, to proceed to do the work otherwise, or to abandon the work, if in the best interest of the City.

In the event the contractor does not fulfill its obligations under the terms and conditions of this contract, the City of Milford may contract for an equivalent product on the open market. Any difference in cost between the contract prices herein and the price of open market product shall be the responsibility of the contractor. Under no circumstances shall monies be due the contractor in the event open market products can be obtained below contract cost. Any monies charged to the contractor may be deducted from an open invoice.

Neither the contractor nor the City of Milford shall be held liable for non-performance under the terms and conditions of this contract due, but not limited to, government restriction, strike, flood, fire, or unforeseen catastrophe beyond either party's control. Each party shall notify the other in writing of any situation that may prevent performance under the terms and conditions of this contract.

Vendors must provide references to the City of Milford upon request. Vendor references may be checked to verify the proposer's ability to perform the contract requirements, the quality of work and the ability to meet obligations.

ENVELOPES MUST BE MARKED "REVALUATION SERVICES, FOR THE 2012 ASSESSMENT CYCLE, OPENING JUNE 1, 2011, 2:00 P.M." No faxed bid will be accepted. Failure to comply with the above format *may* result in disqualification of your bid.

SPECIFICATIONS FOR RE-APPRAISAL AND REVALUATION FOR MILFORD, DELAWARE

Scope of Revaluation

The project shall be for the complete physical reappraisal of all taxable real estate, and exempt real estate within the corporate limits of the City of Milford, Delaware, as of January 1, 2012, in accordance with Delaware General Statutes 12-62, as described below.

1. All taxable real estate, land, buildings and improvements.
2. All exempt real estate, land, buildings and improvements.
3. All public utility land and buildings.

All work to be carried out in this project and all forms, materials, and supplies utilized in this project shall be subject to the approval of the ASSESSOR of Milford, Delaware. The value to be determined shall be 100% of the full fair market value as defined in the Delaware General Statutes and shall be based upon recognized methods of appraising.

City Data

1. The last revaluation was effective as of January 1, 2002.
2. Administration/Tax Billing System is Sunguard H T E.
3. CAMA System presently used is Tyler Technologies CLT.

The CONTRACTOR shall value all newly constructed improvements created prior to June 1, 2011, or those incomplete as of this valuation date, and these parcels shall be included in the contract price and valued in the same manner as stated above, and as provided hereinafter.

GENERAL INFORMATION

| | |
|-----------------------------------|-----------------|
| FORM OF GOVERNMENT: | City Council |
| POPULATION (2010): | 9,559 |
| RESIDENTIAL SINGLE FAMILY: | 2,467 |
| RESIDENTIAL CONDOMINIUMS: | 356 units total |
| COMMERCIAL / INDUSTRIAL: | 512 |
| VACANT LAND RESIDENTIAL: | 652 |
| VACANT LAND COMM / INDUST | 181 |
| BUILDING PERMITS (2010): | 329 |
| CERTIFICATES OF OCCUPANCY (2010): | 32 |

MEDIAN HOUSE ASSESSMENT (2010): \$113,750

MEDIAN HOUSE SALES PRICE (2010): \$162,500

RESIDENTIAL SALES (2010): 98

LAND AREA: 5.6 sq. miles

GRAND LIST (2010): \$561,900,018

I. GENERAL CONDITIONS

A. CONTRACTOR

Proposal

Each PROPOSAL submitted shall include a copy of the CONTRACTOR'S Delaware Division of Revenue License. The CONTRACTOR shall submit a complete client list of municipalities to which it has rendered services during the last five years and the nature of those services. The PROPOSAL shall also include a statement showing the number of years the proposer has actually been engaged as a CONTRACTOR, corporation, partnership, or individual specializing in municipal tax revaluation services.

The CONTRACTOR shall not make any changes to this Request for Proposal (RFP) as presented. The proposal shall reflect all costs required fulfilling the contract as stated. The proposal shall be in the same format as this RFP. If exceptions or clarifications are taken, they must be contained in a proposal section noted as such.

B. PERSONNEL

The CONTRACTOR shall provide experienced and qualified personnel in compliance with the requirements of the Equal Employment Opportunity provisions of both the federal and state governments. The CONTRACTOR shall adhere to all other legislation relating to employment procedures.

Qualifications of Personnel

All personnel assigned to this project shall be subject to approval of the ASSESSOR and shall be subject to removal from this project by the CONTRACTOR upon the written request of the ASSESSOR.

Project Manager or Supervisor

The administration of this project shall be assigned by the CONTRACTOR to a project manager or supervisor who shall have not less than five years of practical appraisal experience in the appraisal of residential, commercial, industrial and farm properties.

Reviewers and Appraisers

Shall have at least three years of practical experience in Delaware in the appraisal of particular types of properties for which they are responsible.

C. MEASURES AND LISTERS

MEASURERS and LISTERS shall have not less than 40 hours training in this phase of a revaluation project. Any field person who does not meet the above qualifications must work under the direct supervision of an APPRAISER, REVIEWER until the training is complete. The Project Manager is required to notify the ASSESSOR of the names, starting dates, qualifications, and field assignments of all MEASURERS and LISTERS. Minimum age for MEASURERS and LISTERS shall be eighteen (18) years of age.

The CONTRACTOR must exercise extreme vigilance over the instruction and supervision of the MEASURERS and LISTERS, emphasizing the necessity for the MEASURERS and LISTERS to help establish a good relationship with the property owners. Supervisory personnel will oversee the MEASURERS and LISTERS on no more than a 1:5 ratio through the data collection phase of the PROJECT. The supervisor(s) and MEASURERS and LISTERS shall work closely with the ASSESSOR to assure accuracy and reliability in data collection.

The CONTRACTOR shall give all MEASURERS and LISTERS clear and unequivocal instruction that they shall not discuss with any property owner or property occupant in the City, the value or the assessment of any property they inspect, the property taxes being paid on the property being inspected, or any aspect of the local budget or various City issues or political matters.

Employment, Release or Transfer

. Any person who is employed by the CONTRACTOR and is assigned to this PROJECT is released from employment, or transferred from this PROJECT; the ASSESSOR shall be notified in writing of the individual's name and date of occurrence.

Whenever new personnel are assigned to this PROJECT in any capacity, the ASSESSOR shall be notified in writing of the individuals name, qualifications, starting date, and assigned duties.

All personnel assigned to this PROJECT shall be subject to the approval of the ASSESSOR.

Identification

All field personnel shall carry suitable identification cards supplied by the CONTRACTOR and signed by the appropriate municipal official. Such cards shall be laminated and include a recent photograph. All motor vehicles used by field personnel shall be reported to the appropriate municipal official, giving license number, make, model, year and color of vehicle.

Conflict of Interest

No resident or City employee shall be employed by the CONTRACTOR, except for clerical purposes, without prior approval of the ASSESSOR.

D. LEGAL AND INSURANCE

Bonding

The CONTRACTOR shall, to insure the faithful performance by the CONTRACTOR of the terms of this contract, furnish to the City a performance surety bond in the amount of this contract, which bond shall be issued by a bonding CONTRACTOR authorized to do such business in the State of Delaware. Said bond shall be in a form satisfactory to and approved by the city or City attorney. The performance

bond shall be delivered to the City prior to the commencement of actual work. This bond shall include the appeal requirements of these specifications. It is understood and agreed upon that the completion of the approved delivery to the City of the Revaluation Project that the performance bond shall be reduced to 10% of the value of the contract to cover the defense of any appeals as described below. This reduced amount of bond shall become effective after the Revaluation Project has been completed and has been approved by the ASSESSOR and after the completion of the duties of the Board of Assessment Appeals. The reduced amount of the bond shall remain effective until a final resolution in the courts of any timely appeals taken from the doings of the Board of Assessment Appeals on the Grand List of June 30, 2012

Insurance & Indemnification

Except as provided below, the Company agrees to defend and save harmless the City, its officers, agents and employees against all claims, demands, payments, suits, actions, recovery, and judgments of every kind and description arising out of the performance of this Agreement, for personal injury or property damage brought or recovered against it by reason of any negligent action or omission of the Company, its agents, or employees and with respect to the degree to which the City is free from negligence on the part of itself, its employees and agents.

The City agrees to defend and indemnify and save harmless the Company, its officers, agents and employees against all claims, demands, payments, suits, actions, recovery and judgments of every kind and description arising out of any valuation disputes, or challenges to the methodology employed under this Agreement brought or recovered against it, whether based in contract, negligence or otherwise.

Neither party shall be liable to the other for consequential, indirect or incidental damages, including, but not limited to, loss of tax revenue or claims related to valuation of property, whether based in contract, negligence, and strict liability or otherwise.

In any event, the Company's liability for damages (except for damage to real or personal property or personal injury as provided above) under any theory of liability or form of action including negligence shall not exceed the total amount paid by the City to the Company under this Agreement.

The Company shall carry Public Liability Insurance in the amount of \$1,000,000 including protection for bodily injury and property damage with a combined single limit of \$1,000,000 and \$500,000 for each occurrence.

The Company shall also maintain Automobile Liability Insurance providing limits of \$1,000,000 per occurrence, and the Company shall provide Workers' Compensation Insurance. The Workers' Compensation Insurance shall provide coverage under the Compensation Act of Delaware and shall provide employer's liability insurance in the amount of \$100,000.

Upon the request by the Client, Certificates of Insurance shall be supplied to the Client by the Company detailing the above coverage. A carrier authorized to do business within the State of Delaware will issue these certificates.

Force Majeure

Neither party shall be liable to the other for any loss, damage, failure, delay or breach in rendering any services or performing any obligations hereunder to the extent that such failure, delay or breach results from any cause or event beyond the control of the party being released hereby ("Force Majeure"), including but not limited to acts of God, acts or omissions of civil or military authorities.

If either party is prevented or delayed in the performance of its obligations hereunder by Force Majeure, that party shall immediately notify the other party in writing of the reason for the delay or failure to

perform, describing in as much detail as possible the event of Force Majeure causing the delay or failure and discussing the likely duration of the Force Majeure and any known prospects for overcoming or ameliorating it. Both parties agree to take any commercially reasonable measures to overcome or ameliorate the Force Majeure and its adverse effects on this Agreement, and to resume performance as completely as is reasonably possible once the Force Majeure is overcome or ameliorated.

. Non-solicitation

During the Period of Agreement and for a period of six months following the project completion date, the Jurisdiction will not solicit for employment or hire any Company employee without the express written consent of the Company

Termination

This Agreement may be terminated by either party by giving thirty (30) days written notice to the other, before the effective date of termination. In the event of termination or suspension, the Company shall be entitled to receive payment in full (at the amounts and rates set forth herein, or if not specifically set forth in this Agreement, at the Company's standard or published rates) for all services, software, licenses and/or bonding delivered by the Company up to the effective date of the termination or suspension, as the case may be, plus such other charges as may be agreed upon by the parties.

E. COMPLETION DATE AND TIME SCHEDULE

Awarding of Contract

Within sixty (60) days of the closing date, the City shall award the contract for the reappraisal and revaluation project. The City reserves the right to reject any and all proposals as previously stated.

Signing of Contract

Within thirty (30) days after the receipt of notice of acceptance by the City of its Proposal, the CONTRACTOR shall execute with the City the contract upon the basis of these Specifications for Reappraisal and Revaluation.

Changes and Subletting of Contract

Changes

Changes in these specifications for reappraisal and revaluation in the contract will be permitted only upon written mutual agreement of the CONTRACTOR and the City.

Subletting

The CONTRACTOR shall not assign, transfer, or sublet the contract or any interest or part therein, without first receiving written approval from the City and the bonding CONTRACTOR. It shall be mutually agreed and understood that said consent by the City shall in no way release the CONTRACTOR from any responsibility or liability as covered in these Specifications for Reappraisal and Revaluation and the contract

Time Schedule

Data Collection and field inspections may begin at any time after July 1, 2011 but work must be complete by July 1, 2012. The CONTRACTOR is subject to penalties if the following completion dates

are not meet:

Completion Dates

The following phases of the revaluation must be completed in accordance with the schedule below.

1. Property Record Cards with all measurements and listings shall be completed by January 1, 2012.
2. Pricing, review, and final valuation by February 1, 2012.
3. Assessment notices addressed and prepared for mailing by February 2012.
4. Informal hearings to begin no later than May 1, 2012 and end no later than May 30, 2012.
5. All Property Record Cards will be corrected and finalized after the informal hearings and delivered to the ASSESSOR no later than June 15, 2012.
6. Completion of the project shall not be final until either the ASSESSOR has certified the entire project by signing the appropriate forms, or if applicable, the CONTRACTOR has fulfilled all requirements set forth in the contract.

Assessment Date

The completed appraisals will serve as a basis for assessment effective on the Assessment Register of July 1, 2012 upon approval of the ASSESSOR.

Project Timetable

The CONTRACTOR is required to submit the timetable for the entire project before the commencement of the project. The timetable must be followed by the CONTRACTOR. Any variation of the timetable must have the express consent of the ASSESSOR.

F. PAYMENT SCHEDULE

Payments shall be made in the following manner:

At the end of each thirty day period during the period covered by this contract, the CONTRACTOR is to certify in writing in the form of a progress report to the ASSESSOR

The percentage of the total work completed under the contract which the CONTRACTOR has performed during the said thirty day period. Such notification will itemize and accurately indicate the extent and nature of work performed by volume, street, category, or in any other manner required by the ASSESSOR.

The City, upon determination by the ASSESSOR that the certification of the CONTRACTOR concerning work during said period is accurate, will pay to the CONTRACTOR a percentage of the total compensation under this contract equal to the percentage of work certified as having been performed during said period in accordance with the schedule below, less ten percent (10%) which is to be retained by the City for payment to the CONTRACTOR upon the Board of Assessment Appeals completion of its duties on the July 1, 2012 Assessment Register

Additional Compensation

Additional compensation that may be due the Company as the result of services requested by the City that are beyond the scope of this Agreement will be invoiced in the month subsequent to the month in which the services were provided

Company Right to Stop Work for Non-Payment

Payment of billings is due within thirty (30) days after the date of each billing. Failure of the City to make payment when due shall entitle the Company, in addition to its other rights and remedies, to suspend, temporarily, further performance of this Agreement without liability

II. CAMA REQUIREMENTS

A. ASSESSMENT ADMINISTRATION MODULE

Before commencement of sales data collection, each parcel on the legal file/administrative file must be confirmed by the ASSESSOR. A list of all discrepancies between the legal file/administrative file shall be submitted together with recommendations for correcting such discrepancies. The CONTRACTOR must implement the recommendations approved by the ASSESSOR.

B. CAMA SYSTEM

The CONTRACTOR is required to generate all values using the City's CLT CAMA system. The City will make CLT available to the CONTRACTOR at no cost to the CONTRACTOR.

C. IMAGING

A visual imaging database using the Landisc imager in conjunction with the CAMA System shall be in place by the completion of this project. New images of all parcels will be required and shall be included in the cost of the proposal by the CONTRACTOR

III. RESPONSIBILITIES OF REVALUATION CONTRACTOR

The CONTRACTOR is responsible for the fulfilling all requirements stated in this Request for Proposal in a timely fashion, and in a professional and satisfactory manner. During the course of this project, the CONTRACTOR shall work cooperatively with and shall provide any reports, invoices, schedules and other information required by this RFP or requested by the ASSESSOR

A. PERIODIC STATUS REPORTS

The CONTRACTOR shall submit to the ASSESSOR monthly status reports as well as any work completed that is to be reviewed by the ASSESSOR. The report shall contain specifics as to the work completed and the work to be done in the next month. The ASSESSOR shall review and evaluate the progress of the project, and shall notify the CONTRACTOR whether the work performed is satisfactory and timely.

IV. VALUATION STANDARDS

A. MARKET APPROACH

The CONTRACTOR must utilize the City's CLT CAMA system to develop a Market Approach where applicable. A sales file shall be developed which will reflect the property characteristics of the property

as of the date of sale. These validated sales will be the basis for the comparable sales approach for the residential properties. The CONTRACTOR shall develop and provide the ASSESSOR with written documentation for the sales verification effort.

B. COST ANALYSIS

The CONTRACTOR shall derive a value for real property by estimating the current cost to replace or reproduce the existing structure, deducting for all accrued depreciation in the property, and adding the estimated land value. The CONTRACTOR shall develop cost schedules based on current costs of labor and materials prevailing in the city/town during the year immediately proceeding July 1, 2012 valuation date. The Cost approach to value is to be developed using the City's CLT CAMA program where applicable.

C. INCOME APPROACH

The CONTRACTOR shall determine a value for income-producing property by converting anticipated income into a property value. The CONTRACTOR shall capitalize a single year's income expectancies at a market-derived capitalization rate or a capitalization rate that reflects a specified income pattern, return on investment, and change in the value of investment, or discount the annual cash flows for the holding period and the reversion at a specified yield rate. The Income approach to value is to be developed using the City's CLT CAMA program where applicable.

D. LAND VALUATION

The land values will be derived from market sales and/or land residual analysis. The land values will be set by the CONTRACTOR and reviewed by the ASSESSOR. In the event of any disagreement between the ASSESSOR and the CONTRACTOR, the ASSESSOR shall have the final decision confirming all land values and methods.

E. NEIGHBORHOOD DELINEATION

The CONTRACTOR, with the assistance and approval of ASSESSOR will delineate the city/town into valuation neighborhoods. These neighborhoods will be determined by analysis of the market factors needed to select comparable sales for the sales comparable approach to value. Boundaries such as highways, natural, economic conditions and zoning etc. shall be considered.

F. DEPRECIATION ANALYSIS

The CONTRACTOR shall develop, and explain separately, the depreciation on the property record card and/or worksheet (if used). Land values shall be added to the depreciated improvement value. Compare the depreciated replacement cost of each property with the value produced via income analysis, or sales comparison, and develop obsolescence guides by type of property and location. Analysis should be reviewed with the ASSESSOR and a copy shall be provided at the completion of the project.

V. VALUATION OF REAL ESTATE

The CONTRACTOR will calculate a value estimate for each parcel that will be comprised of a land, building, outbuilding, and total value. The final value shall reflect 100% of fair market value as of January 1, 2012. The CONTRACTOR shall compute to the nearest 100 dollars the value of all properties identified above.

A. RESIDENTIAL PROPERTIES

The CAMA System will present a summary of the cost approach for a subject and up to 5 comparable sales, showing the basic inventory information for each. The comparable sales in the same market environment will be the three to five most comparable sales. This determination will be made by calculating a weighted measure of comparability based on the relative importance of each physical characteristic (location, size, age, grade, & condition etc.). The sales, which most closely resemble the subject, will then be selected as comparable

B. COMMERCIAL/INDUSTRIAL PROPERTIES

The appraisal of income producing properties relies heavily on an analysis of what the prudent investor would pay for a given property based on the income stream that the property could reasonably be expected to produce.

The CAMA System will give the APPRAISER the ability to model the market place by physical characteristics, construction type, and actual use for income producing properties and apply the results of the models to individual commercial or industrial properties.

The review APPRAISER will be provided with a single review document which provides information regarding the physical characteristics of the property, the indicated cost approach, and one or more approaches to value that have already been adjusted to reflect the location, age, and condition of the subject property.

Capitalization rates shall be developed by type of property, and location. When the ASSESSOR has approved capitalization rates and techniques, the CONTRACTOR shall perform income approaches using economic income and expense data.

C. FIELD REVIEW & DATA COLLECTION/VERIFICATION

The CONTRACTOR will field review all parcels after values have been set. The CONTRACTOR is responsible for the review of value estimates for all real property parcels to verify that the application of the valuation methodology employed has resulted in the uniform and consistent valuation of comparable properties. The CONTRACTOR shall be required to submit final values in a timely manner to be determined by the ASSESSOR. The CONTRACTOR will record on the CAMA data file the source of the final appraisal value (cost, market, income, APPRAISER override, etc.)

Individuals conducting this phase of the program must have valuation expertise, field review experience and knowledge of the valuation techniques employed in the City, as well as complete familiarity with the revaluation project. During review valuation changes are made due to data error, the data must be corrected on the property file by the CONTRACTOR.

The CONTRACTOR shall provide the ASSESSOR with written procedures for the conduct of data collection/verification at least ten (10) days prior to the scheduled date for the commencement of the activity.

NOTIFICATION

The CONTRACTOR shall send property owners an information brochure prior to the commencement of data collection/verification.

VERIFICATION

Company data collectors will make an attempt to inspect the interior and exterior of all improved properties. If the occupant is not available at the time of the inspection attempt the exterior will be measured. An opportunity will be provided by way of the data mailer to arrange for an interior inspection for those properties not inspected during the initial attempt. Any parcel which is not inspected as a result of safety considerations for company personnel will be brought to the attention of the assessor.

ENTRANCE REFUSED

When entrance to a building for an inspection is refused, the CONTRACTOR shall make note of the fact and within two (2) working days notify the ASSESSOR of the fact in writing, giving the facts as to the time of the visit and if possible, the name of the party refusing entrance and other pertinent information.

LISTERS IDENTIFIED

The data collection card and the property record card shall indicate the initials of the LISTER and date(s) of the listing.

STATUS REPORTS

The CONTRACTOR must provide the ASSESSOR with bi-weekly status reports as to the percentage of interior inspections with signatures that have been obtained in relationship to the total number of properties that have been inspected.

. EXTERIOR INSPECTION

The perimeter of all buildings and improvements shall be measured.

All buildings and improvements shall be measured to the nearest foot. (Six (6) inches or less should be rounded down; greater than six (6) inches should be rounded up.)

An outline sketch, prepared to scale, shall be made.

Physical data of the land parcel shall be recorded in the field.

REVIEW

All properties shall be reviewed in the field, by the CONTRACTOR'S personnel trained as reviewers. The Properties shall be reviewed for correct listing of information, classification, and final value and to assure that they are correlated to comparable properties. The ASSESSOR shall be notified of the dates of the reviews and may accompany the CONTRACTOR'S REVIEWER during any phase of the revaluation PROJECT.

DATA MAILER

As residential listings are completed, the CONTRACTOR, at its expense, shall send mailers to owners of each parcel of property. The format of these mailers and the schedule of mailings are subject to the approval of the ASSESSOR. Mailers must consist of a selected property description as collected, and a cover letter (approved by the ASSESSOR) which explains the purpose and content of the mailer. The mailers for parcels in the residential category shall include, but not be limited to, the following:

Property type classifications
Zoning
Parcel size
Building style
Exterior wall material
Total number of rooms
Number of baths
Heating type
Basement type
Year built
Number of fireplaces
Garage type
Central air conditioning
Latest sale price & date

Notification by mail will be sent to each owner of a property in all other property classifications. This notification shall state the place and time that the data items collected on his/her parcel may be reviewed. Or, data mailers approved by the ASSESSOR may be used for such other property categories as well.

D. ASSESSMENT NOTICES

At the close of the revaluation, a notice shall be sent at the CONTRACTOR'S expense including envelope, by first class mail, to each owner of record, setting forth the valuation that has been placed upon the property identified in the notice. The notice shall be prepared in conformity with the Delaware General Statutes, as from time to time amended. Further, enclosed with such notice shall be a letter specifying the dates, times, and place of the informal public hearings with an explanation as to the appeal process. Such notices and letters shall be subject to the approval of the ASSESSOR.

E. INFORMAL PUBLIC HEARINGS

At a time mutually agreeable to the ASSESSOR and the CONTRACTOR following completion of all review work by the ASSESSOR and the CONTRACTOR, the CONTRACTOR shall hold public hearings so that property owners, or their legal representatives, may appear at specified times to discuss their new assessments with qualified members of the CONTRACTOR'S staff.

The CONTRACTOR, in conjunction with recommendations of the ASSESSOR, shall schedule a sufficient number of hearings and provide adequate personnel to handle said hearings expeditiously and fairly. Any information offered by the taxpayer shall be given consideration and adjustments shall be made when warranted.

The CONTRACTOR shall have an adequate number of days for the informal public hearings, said hearings to include at evenings and Saturdays. Every property owner shall have the opportunity to an informal hearing with the CONTRACTOR within said period of time agreed upon by the ASSESSOR and the CONTRACTOR.

The CONTRACTOR shall mail a notice that reflects the result of the informal hearings at the CONTRACTOR'S expense. The ASSESSOR prior to mailing must approve this notice

F. BOARD OF ASSESSMENT APPEALS & LITIGATION

The CONTRACTOR shall include a separate per diem price for support of values beyond the Informal Meetings process.

G. ASSESSORS' OFFICE STAFF TRAINING PROGRAM

The CONTRACTOR will be responsible for training local staff in such manner that, at the end of the project, the ASSESSOR'S Office will be knowledgeable in the operation of all phases of the valuation system. On-the-job training, where feasible, shall consist of the ASSESSOR and any other staff working in the appropriate phases of this project under the CONTRACTOR'S supervision. The CONTRACTOR shall submit a reasonable training plan and schedule to achieve the objective stated above prior to the commencement of the project

H. TRANSMITTAL OF RECORDS TO THE ASSESSOR

Regular periodic delivery of appraisals, as completed, shall be turned over to the ASSESSOR for review. All appraisals of buildings either completed or under construction and all completed and corrected records shall be turned over to the ASSESSOR by the dates specified in the schedule agreed upon by the ASSESSOR. All documentation employed in conjunction with this program, including software programs, shall become the property of the ASSESSOR.

The final inspection and review shall take into consideration any known or apparent changes in the individual property since it was first inspected in order that the final appraisal of property shall be made as of January 1, 2012. This information and/or appraisal or record shall not be made public until after the informal hearings, except to the extent that public access may be compulsory under the provisions of applicable law.

VI. RESPONSIBILITY OF THE CITY

A. NATURE OF SERVICE

It is clearly understood and agreed that the services rendered by the CONTRACTOR are in the nature of assistance to the ASSESSOR and all decisions as to proper valuations, taxable or tax exempt, shall rest with the ASSESSOR.

B. COOPERATION

The ASSESSOR, the City, and its employees will cooperate with and render reasonable assistance to the CONTRACTOR and its employees.

C. ITEMS FURNISHED BY THE CITY

The City shall furnish the following to the CONTRACTOR:

MAPS the ASSESSOR shall provide copies of available tax maps. The ASSESSOR shall also provide available parcel identification data for each parcel of real property including at a minimum the following items all current legal information, i.e. ownership, property location, mailing address, map/block/lot number.

LAND DIMENSIONS The ASSESSOR shall be responsible for providing accurate lot sizes and total acreage of all pieces of property where the tax maps or present records fail to disclose measurements or acreage.

ZONING

The city/town shall provide a current city/town zoning and planning regulations and zoning maps.

PROPERTY TRANSFERS

The city/town shall notify the CONTRACTOR on a regular basis, of transfers and property splits occurring after 30 days of said date. The CONTRACTOR shall update owner and street property record cards within 90 days of sale.

DATA The following data: parcel inventory, owner of record, location of property, deed references, map and lot references, age and date of construction of all buildings, if available, and lot size or amount of acreage, or any other pertinent information shall be given to the CONTRACTOR.

BUILDING PERMITS Records of all building permits issued during the course of the revaluation project up to July 2012. All such records shall be returned to the City.

MAILING ADDRESS The ASSESSOR shall provide through the ASSESSOR Office the current mailing address of all property owners.

OFFICE SPACE Office space including furniture and free parking will be provided to the CONTRACTOR to carry out the terms of this contract.

COMPUTERS & SOFTWARE

The city will provide access to the city's server and CLT software, printers, and related resources for the company's use. CONTRACTOR must supply Lap Tops for the company's use.

D. PROPOSAL AWARD

The City reserves the right to reject any, or any part of, or all PROPOSALS; to waive informalities and technicalities; and to accept the PROPOSAL which the City of Dover deems to be in the best interest of the City, whether or not it is the apparent lowest dollar proposal. Consideration in the awarding of the CONTRACT will be given to price, prior experience and competence of the proposer, the nature and size of the proposer's organization and familiarity with the area, and the quality of similar projects the proposer has completed in the past.

VII. PROPOSAL SUBMISSION

The written proposal submitted should, at a minimum, include the following information:

1. Business name and contact person, together with the address, telephone number, facsimile number and email address, of the office from which the services will be provided.
2. A brief history of the business along with evidence that there is a licensed appraiser on staff and that the business is insured and authorized to do business in the State of Delaware.
3. A description of qualifications and services, specifically relating to reassessments, which the proposer is capable of providing, together with an explanation of how these services might best assist the City.
4. A list of at least three (3) references the City may contact in order to assist in the evaluation of your past performance. For each reference listed, the information provided should consist of the following:
 - a. Name and mailing address of the owner/business
 - b. Name and telephone number of your contact person within said business

5. Information on the nature and magnitude of any litigation or proceeding whereby, during the past three (3) years, a court or any administrative agency has ruled against the proposer in any matter related to the professional activities of the proposer. Similar information shall be provided for any current or pending litigation or proceeding.

6. A statement to the effect that the selection of the proposer shall not result in a conflict of Interest with any other party which may be affected by the work to be undertaken. Should any potential or existing conflict be known by a proposer, said proposer must specify the party with which the conflict exists or might arise, the nature of the conflict, and whether or not the proposer would step aside or resign from the engagement or representation creating the conflict. (The City reserves the right to select more than one firm to perform the required services to avoid conflict of interest and other similar occurrences.)

7. Examples of forms/reports to be used.

8. Any additional information that you feel will be beneficial to the City in evaluating your qualifications to serve.

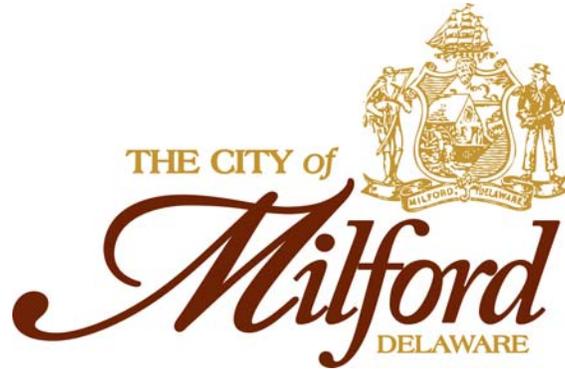
VIII. TIMETABLE

The City will use the following tentative timetable in the selection process, which should result in a recommendation to City Council by June 13 2011.

| Date | Event |
|-------------------------------|--|
| Thursday May 12, 2011 | Publicly Advertise RFP |
| Friday May 20, 2011 | Deadline for submitting questions |
| Wednesday May 25, 2011 | Answers to bidders questions published |
| Wednesday June 1, 2011 | Deadline to submit final proposals. (3 copies) |
| Monday June 13, 2011 | The City of Milford Tax Assessor prepares a recommendation for submission to the governing body. |

IX. SELECTION CRITERIA In order to ascertain which proposal best meets the needs of the City, proposals will be evaluated according to the following criteria.

| Factor | |
|--------|---|
| A | Price |
| B | Prior experience and competence |
| C | Nature and Size of the proposers organization |
| D | Familiarity with the area |
| E | Quality of similar projects |



PROPERTY ASSESSMENT DEPT.
302.424.3712, EXT 314 FAX 302.424.3559

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

Date: June 24, 2011

The revaluation of properties is required every ten years according to the City Charter, the purpose of performing revaluations is to ensure that real property is assessed at a fair estimate of market value thereby ensuring a fair and equitable distribution of the tax burden for all property owners. On June 13, 2011 Milford City Council was presented with a proposal from Tyler Technologies in the amount of \$261,200. There was concern with the cost of this proposal and council requested the assessment department to research some comparables from other revaluation projects. I have included examples of projects involving towns similar in size to Milford and a couple of larger projects

Large Revaluation Projects

| | |
|-------------------------------|-------------------------------|
| Hillsborough Township NJ | Dover Delaware |
| Parcel Count 14,000 | Parcel Count 11,000 |
| Cost \$800,200 | Cost \$731,000 |
| Per Parcel \$57.15 | Per Parcel \$66.46 |

Small Revaluation Projects

| | | |
|-------------------------------|-------------------------------|-------------------------------|
| Seaford Delaware | Princetownship Nj | Milford Delaware |
| Parcel Count 2,800 | Parcel Count 5,779 | Parcel Count 5,700 |
| Cost \$140,000 | Cost \$509,500 | Cost \$261,200 |
| Per Parcel \$50 | Per Parcel \$88.16 | Per Parcel \$45.82 |

A PROPOSAL FOR:
The City of Milford, Delaware:
*Revaluation Services for the 2012
Assessment for the City of Milford*

PRESENTED BY:
Tyler Technologies



June 1, 2011 @ 2:00pm

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It is not our intent to claim these names or trademarks as our own.

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Tyler Technologies, Appraisal & Tax, 3199 Klepinger Road, Dayton, Ohio 45406
800-800-2581 937-276-5261 866-658-4258 fax · info@tylertech.com · www.tylertech.com

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12 Goose Lane
Tolland, Connecticut 06084

P: 800.273.8605
F: 860.872.9526

www.tylertech.com

June 1, 2011

City of Milford
Mr. John Darsney
201 S. Walnut St
Milford, DE 19963

Reference: Revaluation Services For The 2012 Assessment For The City Of Milford

Dear Mr. Darsney,

Tyler Technologies, Inc., CLT Appraisal Services (CLT) has reviewed the City's Request for Proposal (RFP) and is pleased to submit this proposal for revaluation for your review.

Founded in 1938, CLT is North America's oldest, largest and most experienced supplier of mass appraisal services and property tax administration software. We have completed more than 2,500 major projects in 46 states, including 23 state capitals. We have extensive appraisal experience with all sizes of jurisdictions including Dover, Smyrna, and Milford's most recent revaluation in Delaware; many Counties in Pennsylvania; Nassau County, New York; and Middle and Lower Townships in New Jersey.

CLT brings the financial stability and the professional resources necessary to perform this type of project in a timely and professional manner. We have a staff of over 200 appraisal personnel from which we have identified a team that we believe is well suited for this opportunity. The team includes professionals that are familiar with Delaware assessment practices and have a significant number of successful projects to their credit. Our efforts will utilize techniques and practices recognized by the International Association of Assessing Officers (IAAO) and which are consistent with USPAP Standard 6 to perform the services required.

CLT maintains an aggressive quality assurance program to promote the highest standards in all phases of company operations, products, and services. Our quality control coordinators conduct a series of information gathering tasks to verify the consistency and accuracy of each project.

We sincerely appreciate the opportunity to submit this proposal to the City of Milford and we are excited by the prospect of partnering with the City for yet another important endeavor. Thank you for your consideration. Should you have questions, please contact me at 610.246.6539 (cell), or paul.miller@tylertech.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul C. Miller", written in a cursive style.

Paul C. Miller
Project Supervisor | Sales Executive

Section 1 Company History



Company History Overview

Now part of Tyler Technologies' Appraisal & Tax Division, CLT Appraisal Services began serving the appraisal market in 1938 as the Cole-Layer-Trumble Company. Sound appraisal practices and knowledge of developing computer systems allowed it to become the leading provider of appraisal and tax software and services in the U.S. The division has continually refined its techniques, pioneering the application of computer-assisted mass appraisal (CAMA) along the way. Division headquarters is in Dayton, Ohio, with the northeast regional operations office in Tolland, Connecticut.

Known for its dependability for completing projects on time and on budget, the division is recognized for its expertise in areas such as property valuation modeling and analysis. Because its team of professionals understands the challenges clients face communicating with leadership, other agencies and the public, they are able to work with clients to develop successful communication strategies—something that differentiates the division from its competitors. Tyler's appraisal and tax subject matter experts keep pace with evolving legislation and practices through training, certifications and professional associations. The division's staff of more than 300 professionals includes many certified appraisers who are exceedingly familiar with the regions in which they work.

The Cole-Layer-Trumble Company was acquired by Tyler in 1999. Tyler Technologies, Inc. (Tyler) was formed in 1966 and incorporated under the laws of the State of Delaware. Tyler has its corporate headquarters in Dallas, TX, and is listed on the New York Stock Exchange, traded under the symbol TYL. Tyler's vision is simple: resources and talents dedicated to the single goal of maintaining its role as the leader in the local government market. Tyler has built its success upon proven products that work.

Tyler is a leading provider of integrated, end-to-end information management solutions and services to local governments and provides software and professional appraisal and IT services to more than 6,000 local government offices throughout all 50 states, Canada, Puerto Rico and the United Kingdom. These mission-critical-applications provide counties and municipalities with the ability to streamline and automate operations, resulting in improved productivity and reduced costs. In addition to appraisal services, Tyler's professional services for local government include consulting, network design and management, installation, conversion, customization, training and ongoing support.

Section 2 Scope Of Work

Scope of Services

1.0 SUMMARY OF SERVICES TO BE PROVIDED

1.1 Understanding of the City's Goals

The Company will provide appraisal services relating to a full market value reappraisal of residential, commercial, farm, industrial, public utility, and exempt parcels of real property in City of Milford using the City's Unifers software. This reappraisal includes parcels contained within these real estate classes and manufactured homes taxed as real estate.

1.2 Compliance with Rules and Regulations

The Company will comply with all the State Rules and Regulations of the as of the date of this Agreement. The appraisal methods the Company proposes to employ will provide an efficient and effective reappraisal for the City. The accuracy for which the Company strives in establishing the final estimate of market value is not only supportable in the pre-appeal stage of the project, but is targeted to control the number of appeals and to ensure the methods of their defense. The success of any project of this magnitude relies on monitoring done by the City, and the Company welcomes the Assessor's or his designee's active participation.

1.3 Appraisal Manuals and Appraisal Methods

The Company will provide new replacement cost manuals for all types of properties and will utilize three (3) approaches to value, when applicable as determined by the Company, in the appraisal of the residential, agricultural, commercial, industrial and exempt properties to ensure that the final results are both accurate and equitable in relation to all values produced.

1.4 Appraiser-In-Chief

It is understood that the Assessor is to serve and act as Appraiser-in-Chief and that all decisions as to final assessed valuations, procedures followed, and forms used in the reappraisal will be made by the Assessor or his designee.

The Company agrees that the appraisers, reviewers, and field representatives employed by the Company are subject to the Assessor's approval.

1.5 Period of Performance

The Company's performance of its obligations under this Agreement, "the Project," shall begin on or before August 1, 2011 with the commencement of planning and other preparatory work, and the Company shall be prepared to make delivery to the City as hereinafter provided for on June 15, 2012.

1.6 Value to be Determined

The appraisals shall be the Company's opinion of the full Market Value as of January 1, 2012 the "Date of Value," reflecting parcel inventory as of that date, the "Tax Lien Date," also the "Cutoff Date." The Company shall appraise improvements partially complete on the Cutoff Date.

1.7 Step-by-Step Summary of Procedures

The following is the procedure the Company will use during the reassessment reappraisal of City of Milford, Delaware:

Using Unifers software, begin map pack preparation for start up of the field effort.

Print data collection documents in map/routing order.

Each parcel will receive an on-site inspection for the purpose of verifying, collecting and recording data. The data collector will list all required current parcel characteristics including measurements and data as to the physical specifications of each structure except when a parcel is vacant, permission is denied, or the premises appear to be unsafe or the occupant(s) threatening. For manufactured homes assessed as real estate the park name and owner will also be verified.

A report will be provided to the Assessor bi-weekly on the status of the data collection process with appropriate statistical information.

Field quality checks will be performed by group leaders on data collected throughout the process. Results will be reviewed with individual data collectors. The results of these field quality checks will be available for the Assessor or his staff's review. Quality control procedures are outlined in more detail in Article 2.9.

Agricultural data collection will follow the same basic approach as outlined above with special attention being given to outbuildings separately and as to their functional utility to the whole property.

One hundred percent of all data collected parcels will undergo a clerical check for completeness and accuracy. Parcels failing the quality check requirements will be returned to the field for correction.

Results from the data collection effort will be entered into the Unifers CAMA system.

Using data provided by the City in the Unifers CAMA system, research and validate

sales with field checks and transfer verification. For land values, use land only sales and the abstraction process as necessary.

With input from the City's staff, define neighborhood delineation using validated sales and Unifers system tools. Creation of neighborhood delineation map and post any changes to the neighborhood codes to parcels in the Unifers CAMA system.

Analyze land sales and establish land values in square foot, site value or acreage format. Update the computer assisted land tables (CALP) in the Unifers system. See section 2.3.9 of this proposal for more detail.

Gather and analyze current construction costs for dwellings and various types of farm buildings. Using verified construction cost, determine cost schedule level. Test and refine cost and depreciation schedules. After approval by the Assessor, compile a Review manual for use in final valuation and update cost and depreciation tables in the Unifers CAMA system.

Cost the CAMA file and test results against sale parcels by neighborhood grouping. Finalize cost and depreciation tables.

Concurrent to the Residential/Agricultural effort, Commercial/Industrial data collection will begin. The Commercial/Industrial data collector will visit each commercial/industrial parcel and verify, collect, and record data. The data collector will make an interior and exterior inspection of each principal structure except when a parcel is vacant, permission is denied, or the premises appear to be unsafe or the occupant(s) threatening.

Special attention will be given to gathering rents, income, and expense data and verifying sales.

Commercial/Industrial Field Reviewers will determine that the structures have been properly described so as to assure the use of the proper schedules for computing replacement cost new; shall make a judgment as to the grade of construction and depreciation (both functional and physical) of each structure; shall apply unit land value and adjust values to account for the property site characteristics; shall take into account the income approach to value, if applicable; shall consider indicated value of the structure and indicated value of the land against sales information concerning comparable properties and shall make a determination on the judgmental factors which affect the computation of the opinion of value.

Data collected or changed during the field review of properties will be keyed into the Unifers CAMA system.

Perform analysis to verify uniformity and equalization of parcels throughout the City.
Generate reports showing impact of reappraisal.

Continue analysis of sales ratio studies towards finalization of values using both neighborhood and taxing district groups.

Run and resolve mismatch reports between tax accounting and the CAMA files.

Generate tentative abstract using the City's software and submit to the Assessor for his approval.

Conduct informal hearings.

Inspect properties where needed as a result of informal hearings.

Mail notices of change to those properties where the values changed as a result of the informal hearing process.

2.0 COMPANY RESPONSIBILITIES

2.1 Approach

The Company proposes to use the tools available in the Unifers software and its years of appraisal expertise to provide equitable, defensible appraisal values for all specified properties in City of Milford.

2.1.1 Planning and Preproduction Service

Effective initial planning and preproduction services are necessary for the successful implementation of the project.

2.1.2 Preliminary Review

Within thirty (30) days of the signing of this Agreement the Company will conduct a preliminary review of the inventory of properties as made available by the City.

2.1.3 Project Work Plan

The Company has provided a project work as part of this proposal. As part of the project planning process, the work plan will be finalized and augmented relative to the starting and completion dates for all the various phases of the program as well as personnel needs and, once approved and agreed upon, will become part of this

Agreement. The work plan will be used to track progress in the monthly status reports.

2.1.4 Project Monitoring

In addition to the work plan, other monitoring activities take place on a continuing basis throughout the project. Staff evaluation is an important internal activity for any industry. Because of the visibility and obvious interest that surrounds a reappraisal project, it is critical that staff not only produce quality work, but also present themselves as courteous, concerned representatives of the City and the Company. Company procedures monitor and are responsive to this need.

Other manuals will monitor functions including the tracking of taxpayer inquiries, public informational meetings, media release timing, documentation of training sessions and video presentations to concerned taxpayers.

2.2 Project Personnel

The project shall be performed by personnel that have experience or training for the role that they will fill. Data collectors, reviewers, data entry personnel and clerical personnel working under the direct supervision of the Project Manager, Paul Miller, who will be supported by the Regional Manager, Paul Flynn with additional support from the Company's general staff and facilities. Resumes are included in the appendix.

Experienced personnel will be supplemented by locally hired and trained personnel. The primary function of the data collectors is to verify or collect and record data; the primary function of the reviewers is to determine the judgmental factors affecting the Company's computation of its opinion of value. The Company agrees that the appraisers, reviewers, and field representatives employed by the Company are subject to the Assessor's approval. Each Company employee engaged in field work shall be provided with a proper identification card.

2.3 Data Verification/Property Inspection

2.3.1 General

The Company will verify, collect, record, and analyze general supporting data to serve as a basis for the development of guidelines for cost, market, and economic coefficients needed when applying the three (3) approaches to value and to produce market driven comparables with the emphasis on the comparable sales approach to value.

The sales comparison approach is considered the most objective and reliable method of estimating the value of residential improved properties. The essence of the sales comparison approach is estimating the value of unsold properties from sales of

similar properties. The comparable sales approach has two essential components, selecting the comparables and adjusting for differences between the subject property and the sales properties.

Mass appraisal is well suited to the application of the comparable sales approach because of the availability of a large sales base and a standardized data base of property characteristics which can be easily used in both market analysis and comparable sales selection.

The general supporting data to be analyzed will include cost data, lease data, economic data, and sales data to be used for the cost, income and market approaches to values.

The guidelines, which will be developed from this analyzed data, will include replacement cost schedules, market models, economic rent schedules, income capitalization rates, comparative property sale units, and unit land values.

2.3.2 Cost Data

The Company will calibrate the Unifers cost tables to City of Milford building cost levels.

A determination of construction costs in the City will be compiled. This will include data on actual new construction occurring in the City as well as information provided by a national cost service. This information will be considered in determining the replacement cost new level for the City.

2.3.3 Lease Data

The Company will investigate current leases in the City and compile, classify, and document lease data to support the development of guidelines for estimating net income potential of properties on the open market.

Both parties will request and attempt to collect specific lease data on leased properties to be appraised under the terms of this Agreement. The data collectors will request this data from the occupant or owner during the data collection visit. The City will be responsible for mailing Income and Expense Disclosure Forms to all leaseable commercial or industrial real estate.

The data will be collected and recorded on Income and Expense Disclosure Forms designed to accommodate different property classification groupings.

Income information will serve as a data base from which to select comparable rents and from which to extract, classify, and analyze general data required to develop stabilized income and expense guidelines for various representative property models.

In developing income and expense guidelines, the data obtained through specific income and expense disclosures and recorded leases will be supplemented with general data obtained through the study and analysis of actual experience reported in national publications, as well as through interviews with local investors, property managers, real estate brokers, and appraisers. All data compiled will be referenced to source and documented in support of the guidelines developed.

2.3.4 Economic Data

The Company will make an investigation of prevailing economic determinants and practices underlying local property transactions and compile data on interest rates, equity requirements, loan terms, holding periods, and investment yields sufficient enough to support the development and validation of income capitalization rates.

The source of the data will be the local marketplace supplemented by trade publications and augmented by the experience and knowledge of the Company's analysts.

2.3.5 Sales Data

The Company will examine recent sales involving the properties to be appraised, as said sales data are periodically provided by the City.

The sales will be cataloged by location and use type, classified by age, quality and condition, and verified and serve as a comparable sales data base to accommodate the application of the market approach to value through direct sales comparison.

A sales history file may be created that contains a "snapshot" of sale parcels as they were at the time of sale. This will increase the number of valid sales that can be used during valuation and provide a more accurate indicator of changes in the market using paired sales. The Company will review its procedures with the Assessor.

2.3.6 Property Data

The geographical and physical characteristics of the all properties in City of Milford are to be maintained to reflect the status of the properties as of January 1, 2012 or such other date as may be mutually agreed to by the parties in order to meet the key project milestone dates . For property appraisals to be accurate they must be based on actual physical characteristics. This is not only essential for valuation it is

essential in winning and maintaining the public trust. Our methodology ensures that we have captured accurate, meaningful data.

2.3.7 Data Collection

2.3.7.1 Data Collection

The Company's data collectors will visit and go upon each parcel for the purpose of verifying, collecting, and recording data. The data collector will make an interior and exterior inspection of the principal structures on the parcel, except that if:

1. Permission to inspect the interior or exterior of a structure is denied, then the data collector will verify the data and will record the fact on the field document and reason for the estimation; or if
2. After one (1) visit to the parcel, if the data collector fails to make contact with the occupant.

2.3.8 Sketch of Structure

Sketches on the data collection document will contain the data needed to have the sketch vectors and building descriptions input in the Univers CAMA system.

2.3.9 Establishing Tentative Unit Land Values

The Company shall collect information concerning sales of land and sales of improved parcels which may indicate the residual value of land. From these and other sources, it shall familiarize itself with land values throughout the jurisdiction. The Company shall establish its tentative opinion of unit land values, expressed on an acreage, site, or square foot basis, in the various areas of the jurisdiction; such values shall be approved in writing by the City prior to being utilized by the Company in valuing all parcels.

2.3.10 Final Valuation

During the review phase the Company's reviewers will review each parcel; shall consider the data placed upon the review document and determine that the structures have been properly described so as to assure the use of proper schedules for computing replacement cost new. The Company shall make a judgment as to the grade (quality) of construction and of the condition, desirability, and usefulness of each structure. Unit land values will be applied to each parcel and adjusted to account for the particular characteristics of the site. If applicable the income approach to value is considered. A qualified appraiser will make a determination on

all judgmental factors which affect the Company's computation of its final opinion of value.

2.3.11 Market Valuation

The market value subsystem of the Unifers CAMA software will be reviewed for implementation. The assessor will choose the default value for parcels in all classes from the available approaches.

2.3.12 Income Valuation

Both parties shall gather data for the income approach to value as outlined in sections 2.3.3 and 2.3.4. Following the file building of parcel information in the Unifers CAMA system, income models for various types of income-producing properties in different geographic areas (neighborhoods) will be maintained in the system and applied consistently to each property with the appropriate characteristics.

The potential net income streams are then capitalized to provide estimates of value in accordance with the income approach. The application of gross rent multipliers or gross income multipliers is available as part of the model approach for appropriate types of properties.

The income approach to value will be reserved for commercial and industrial properties and will utilize the direct capitalization of to estimate market value. Properties normally valued like this include apartment complexes, hotel/motels, retail, offices, restaurants, and warehouses. The system-generated values will be based upon income, expense and capitalization models developed from an economic analysis of market indicators. Data from several sources will be utilized, including actual rents from property surveys as well as industry publications and surveys with local realtors. The Income and Expense form mailing will be another source.

The income model approach uses the description of the property laid out in the collection of improvement characteristics for the cost approach, as the basis for aggregating areas and units against which income and expense models will be applied. This income model approach is a *Pro Forma* type approach. Once the income models are loaded, the appraiser will adjust the neighborhood-based models to arrive at an appropriate income value for the parcel. At that time the appraiser can select between the cost and income value. The use of income adjustments and the selection of the appropriate valuation approach will be monitored for consistency in valuation method and to arrive at the ultimate goal: market value.

2.3.13 Computation of Replacement Cost New

The Company shall calibrate pricing schedules for the purpose of computing the replacement cost new for all structures. We will use Marshall Swift Valuation Services to aid in the calibration of the Unifers schedules.

Also see Sec 2.3.2 for additional procedures on gathering cost data.

2.3.14 Computation of Appraisals

Company employees shall use the Unifers CAMA System to calculate total land, total building and total value for each parcel being appraised.

2.3.15 Public Information and Public Relations

Throughout the appraisal process, the Company shall endeavor to satisfy all reasonable requests made by the City for information as to the Company's planned work schedule for the project, personnel employed on the project, appraisal methods and procedures utilized, and the status of the work. Field staff are instructed not to engage in conversations with property owners, including answering questions regarding values or taxes. A letter of introduction will be carried by all field personnel, which will include contact information for questions from property owners. For further information about public relations, please see section 7.0, Additional Services.

2.3.16 Determination of Classifications

As to each parcel, the Company shall:

- A. Determine its classification as residential, commercial (apartment), industrial, farm (agricultural), utility, exempt. Note: The City will make final determination for exempt properties.
- B. Code each parcel according to its present use.
- C. Determine its land use and shall record the same on the property record card. In the event any parcel falls within more than one classification or land use, the Company shall select the apparent predominant classification or use and record it on the card.

2.4 Property Record Card

A computer generated review document for each parcel will be produced by the Company. These property record cards will be used in the final review phase of the project and will be a deliverable to the City. The final property record cards will be electronic, and can be printed by the City when needed.

2.5 Exempt Properties

Exempt properties will be appraised in the same manner as other classes depending upon the physical make-up of the individual property. For example, an exempt property that is residential in character would be valued in the same manner as other residential properties.

2.6 Informal Reviews; Support of Values

2.6.1 Company's Conduct of Informal Reviews

The Company shall mail each property owner a notice showing their tentative value. The Company shall have an informal discussion with the owner or agent who requests the same during the specified period at a location provided by the City. The Company will be responsible for all informal reviews filed as a direct result of this reappraisal which are requested within the timeframe scheduled for setting appointments.

2.6.2 Results of Informal Reviews

The Company will mail a notice to all property owners who attended an informal review or whose values were changed during the informals process of the final value that the company will recommend to the City.

2.6.3 Support of Values Beyond the Informal Process

The Company shall, upon request, participate in appeal preparation, hearings, or deliberations taken and processed in accordance with administrative or statutory procedures from any assessment which is computed directly from the Company's appraised value. Included in this Proposal, the Company will provide three (3) person days of support beyond the informal meeting process. The three (3) person days of support are to be used in one to two day segments. Any participation beyond the three (3) days included in this Proposal will be performed for a per diem rate of \$1100.00 per day.

2.7 Manufactured Homes (House Trailers)

As outlined in Section 1.7, the Company is responsible for the valuation of manufactured homes assessed as real estate as enumerated in the parcel counts provided in the Request for Proposals.

2.8 Data Entry

The Company shall be responsible for entering changes pertinent to the 2012 Reappraisal into the Unifers software.

2.9 Quality Control Plan

Quality in a service business can be a difficult concept to define. The Company's definition consists of five basic components:

1. Understanding what is to be done.
2. Defining what constitutes successful completion of each project activity.
3. Gaining assurance that the client shares this understanding.
4. Doing this work on time.
5. Getting recognition of success from the client.

It is important for the City to know that the Company is dedicated from the top down to delivering quality work. A primary element of management's job is to ingrain this precept into the culture of all new employees and to build upon it during their careers.

A key part of the Quality Control Plan for City of Milford is the Quality Control Audit. The audit is performed by an internal team of individuals, including senior management personnel. The team contains employees from outside the project who have functional expertise in appraisal, data processing, and imaging systems. The team follows an outline to make sure all aspects of the project are covered. Written documents such as planning calendars, procedural manuals, systems specifications and documentation, and control reports are checked for their existence and accuracy. The Project Manager and the team conduct a contract review for compliance with key benchmark dates, events, and other terms and conditions. Group interviews are held with project employees, including supervisors, reviewers, systems, and clerical personnel, to get input from several different directions as to what is being done right, what is being done wrong, and ways that improvements can be implemented.

As indicated in the quality definition, client understanding and approval is an absolute necessity to quality assurance, so there is a client interview in each of these audits. A summary report is written after management debriefing on audit results, and the City will receive written documentation of the findings.

Formal Quality Assurance Audits will occur on at least two occasions during the project: first, during the data collection; and second at project wrap up with a final detailed written report to the Assessor.

The Company does not want or expect the City to rely solely upon Company statements about job quality. As another part of the Quality Plan, the Company strongly encourages City participation in checking work at all levels as it is completed. The Company has found out that the quicker an error or misunderstanding can be uncovered and eliminated, the better chance we have of achieving our common goals. Therefore, the Company will cooperate fully with the City in its work audit process or with a third party to provide supporting documents and access to quality control records.

At the project level several quality control procedures will be in place. For field data collection personnel we will follow these procedures:

1. The field supervisor will recheck all properties completed during the training period by each data collector. All noted errors are recorded on a QC form and discussed with the employee; corrective action is identified and taken.
2. After the successful completion of the training period the field supervisor will review 25 of the first 100 cards completed by each trainee. The results are recorded on QC forms and discussed with the employee.
3. Throughout the field effort the field supervisor will review at least 5% of the completed cards for each employee within his/her team. A "Quality Check Form" will be completed for each card reviewed.
4. If the results of the quality check are satisfactory, they are discussed with the employee and the pack is turned in to the project office for clerical quality control.
5. If the results of the quality check are unsatisfactory the quality check report is returned to the employee and one of two courses of action is taken:
 - a. A pack with a less significant degree of error but a still unsatisfactory quality report is returned to the employee. The employee corrects the noted errors and rechecks the balance of the cards in the pack for similar errors.
 - b. A significant level of multiple significant errors requires a complete rework of the pack by the employee.
6. Periodic field training exercises are conducted with each employee. The objective is refinement of the employee's basic skills and improvement in targeted problem areas such as productivity and accuracy.
7. Regular reviews are held between the Project Supervisor and all field supervisors for current status regarding quality results, productivity, training and corrective actions.

Spreadsheet records will be kept by the Project Supervisor reflecting (by individual and by work pack) number of parcels completed, number of parcels audited, number of parcels passed, number of parcels with minor errors to be corrected, and number of failed parcels (unacceptable errors).

There will also be clerical spreadsheet records to document errors found during clerical checks which will occur at several points during the project. These reports will be run bi-weekly.

In an effort to increase the quality of the data in the City's CAMA system, as well as involve the public in the process, the Company will mail a Data Mailer (see sample elsewhere in this proposal) to each residential improved taxable property in the City. The Company is often the only proposer to include this important step. The Company believes it to be a critical part of any successful reassessment project. For parcels which have not had an interior inspection, the data mailer will contain language offering the property owner an interior inspection by appointment.

2.10 Facilities

The City will provide, at no cost to the company, the project office including furniture, utilities, all data processing equipment, local telephone services, communications between the server and the company's workstations' adequate light, heat, air conditioning, and parking. Except as may be specifically provided in this Agreement, all vehicles, and office supplies required by the Company for the project shall be provided or paid for by the Company. The City shall provide a site for the informal hearings, preferably a public handicap accessible building with adequate parking for company staff and property owners.

3.0 MATERIALS AND DATA TO BE PROVIDED BY CITY

3.1 Parcel Identification Characteristics/Data

Within thirty (30) days of signing, the City shall provide the company access to the City's CAMA file.

3.2 Tax Maps

Within thirty (30) days of contract execution, the City shall provide three (3) sets of maps. Certain data from the GIS-produced maps will also be provided in an electronic format suitable for importing into or use in conjunction with the CAMA file.

3.3 Zoning Classification Data

Within thirty (30) days of contract execution the City shall provide, where available, the zoning classification or classifications for each parcel, correct and current as of the most recent tax lien date prior thereto. This data will be provided in electronic format suitable for importing into the CAMA file.

3.4 Obligation to Keep Current

The City shall continually and currently update the information referred to in Sections 3.1 through 3.6 to the Cutoff Date by written change notices. The last of such written change notices shall be delivered to the Company by the City within fifteen (15) days after the Cutoff Date. The Company may rely on the correctness, completeness, and currency of all such information as of the Cutoff Date.

3.5 Sales Information

The City shall continuously and currently provide copies of all sales information available to it with respect to transfers of parcels occurring since January 1, 2009, and ending with the December 31, 2011.

3.6 Additional Information

The City shall further assist the Company by providing or making available such other information which it possesses or which is conveniently available to it, including, but not limited to, general assessment records, Pictometry(if available), and ortho photographs.

3.7 Postage and Forms

Mass mailings will be an initial pre-data collection leaflet, a data mailer, an income and expense request, notice of new value, and informals change/no change notification. The City is responsible for the costs associated with the income and expense request and the Company will be responsible for the others.

3.8 Computer Processing and Supplies

The City will be responsible for all costs required to operate the computers. The City will be responsible for providing the use of the computer during normal working hours. All cost associated with computer access, dedicated phone lines and associated items would be the responsibility of the City.

3.9 Parcel Splits

The City will process all parcel splits and combinations within fifteen (15) days of receipt of a deed and forward written change notices to the Company. The last of such written change notices will be delivered to the Company within fifteen (15) days of the "Cutoff Date."

3.10 Digital Imagery

Digital images will be taken from public right of way for of all parcels with an improvement. The digital images will be integrated into Unifers.

Images will be taken between late fall or early spring to avoid snow or emerging leaves obstructing the view. Photos will be clearly focused with adequate tint, brightness, and clarity and obstructions will be avoided as it possible. Multiple images will be taken of commercial, industrial, condominium, apartment and utility properties with multiple buildings.

The City will review and accept or reject digital images after development of mutually agreeable quality criteria and reasonable image review deadlines.

6.0 PROJECT DELIVERABLES

6.1 Property Record Cards

The Company will provide property characteristics and related data in electronic format. The City is responsible for the cost and printing of the final Property Record Card (PRC) if desired.

6.2 Manuals

Two (2) bound copies and one .pdf format of the appraisal manual containing information about the general appraisal methods and procedures utilized by the Company and the specific schedules (building cost, depreciation etc.) used on the project.

6.3 Sales Ratio Study

The Company shall prepare a Sales Ratio Study of properties from January 1, 2009 to December 31, 2011 or such other timetable as may be agreed upon to support values.

7.0 ADDITIONAL SERVICES

7.1 Public Relations

A successful public relations effort is in reality a joint function of the City and the Company. The Company is aware of its highly visible role in the project. In order to achieve public awareness, understanding, and acceptance of the results of the project, the Company will provide the following items as part of a standard public relations package.

1. Periodic regular briefings will be held with the City, including progress reports and discussion of problem areas and solutions.
3. A point of contact for the media will be established and such a contact should act as the reappraisal project spokesperson upon request and approval by the Assessor. The contact will be provided by the Company.
4. Periodic news releases will be issued prior to, during, and after the completion of the project. These releases are particularly important during the data collection phase of the project, prior to release of appraisal figures, and prior to and during informal reviews. Writing assistance for these releases is provided by the Company. Newspaper articles will be presented for clearance to the City Assessor prior to release.
5. Company project personnel will be available for presentations to the public, community leaders, local service organizations, and other groups, and for appearances on radio and TV talk shows. The Assessor will join Company personnel in such presentations, which are typically followed by question and answer periods.

7.2 Training

The Company's ability to successfully execute a project and the City's ability to successfully maintain the results of the project are directly related to the quality of training conducted in conjunction with project execution.

7.2.1 Company Staff Training

The Company intends to staff key project and appraisal positions with experienced Company personnel. Certain positions will be staffed by personnel hired locally. Personnel hired into these positions (i.e., clerical, data collectors, data entry operators) receive on-the-job training in their duties. Other staff, such as review appraisers, will participate in formal briefing sessions to review comparable sales selection criteria, value adjustment coefficients, and income/expense models prior to review so that they may accurately pass judgment on values being reviewed.

The material prepared in the course of providing this instruction will form the basis for various training documentation that will be used to train City personnel in the various functions.

7.2.2 City Staff Training

The City and Company will jointly develop a training program that encompasses the various phases of the reappraisal program. A key to any successful reassessment project is the success of the City's personnel when the project is complete. To further this cause, the Company encourages the City's staff in attending CLT's internal training sessions for all aspects of the project. These training sessions will be a combination of classroom and field work. These will be supplemented with on the job training during the course of the reappraisal.

We will manage the execution of the training plan throughout the project, and will work closely with the City staff to tailor our training materials to meet the requirements of the various personnel. The basis for the tailoring will be our deep understanding of the business processes and office needs identified during the requirements gathering phase of the project. The training sessions will include:

- Classroom lectures and discussions
- "On-the-job" training developed during the actual reappraisal process
- Use of Unifers as an appraisal tool

Involving and Mentoring Client Staff

Mentoring and development of staff is one of the cornerstones of Tyler | CLT. Since 1938, we have continued to prosper largely because of the care we have taken to ensure the personal growth of our people. We do this well and we will apply this method of operation to your staff as part of this project.

The term “learning curve” refers to the period of time in which an individual learn something new. There is an old saying that states... “What I hear I forget, what I see I remember, what I do I understand.” Our training approach is designed to maximize user understanding by providing considerable hands-on use cases based on underlying client business processes. This approach results in achieving the best possible results that can be yielded in a classroom environment. It is challenging, however, for any student to remember all course work until they have had an opportunity to perform what they have learned a number of times in a live environment.

7.3 Communications Plan

Following contract signing, the project manager will initiate meetings with the City’s point of contact to formalize a communications plan. As a beginning point, we propose the communications plan include the following:

1. Project Meetings

a. Monthly Status Meetings - A monthly review of project progress, issues, and proposed changes. The monthly meetings are generally held the same day, time, and place. Items covered in the meetings will include:

- Updated project plan
- Tasks completed during the last reporting period
- Tasks planned for the next reporting period
- Tasks planned for completion during the next reporting period
- Anticipated staffing needs
- Outstanding issues; current status and plans for resolution
- Any issues that can affect schedules
- Any issues that can delay or impact the completion of the project

b. Quarterly Executive Meetings - will be held with the City commissioners, the Assessor, and other City staff to discuss general project topics and to review plans for the next quarter. The intention of this meeting is to ensure visibility into project progress, and facilitate open communications.

2. Monthly Status Reports

The project manager will submit monthly written project status reports to the City's point of contact detailing activities, accomplishments, milestones, identified issues, and problems. Each report will include a written summary of progress during the past month, detailing the status of items in the project plan, identification of issues, and proposed resolutions.

Section 3 Client References List

Five Year Client List



Client Reference List

Delaware

City of Dover, DE

iasWorld / Appraisal
Mr. Anthony DePrima, City Manager
P.O. Box 475
Dover, DE 19903-0475
(302) 736-7005

City of Dover, DE

iasWorld / Appraisal
Ms. Cheryl Russell, Chief Assessor
City Hall – The Plaza
P.O. Box 475
Dover, DE 19903-0475
(302) 736-7022

City of Milford, DE

Univis / Appraisal
Mr. John Darsney, Assessor
201 S. Walnut Street
Milford, DE 19963
(302) 424-3712

Town of Smyrna, DE

Univis / Appraisal
Mr. David Hugg III, Town Manager
27 S Market Street Plaza
Smyrna, DE 19977
(302) 653-9231

New Jersey

Township of Voorhees

Univis / Appraisal
Mr. Michael Kane, CTA, Assessor
Township of Voorhees
620 Berlin Road
Voorhees, NJ 08403
(609) 429-7767

Borough of West Wildwood

Univis / Appraisal
Mr. Joseph Gallagher, CTA, Assessor
701 Glenwood Ave.
West Wildwood, NJ 08260
(609) 522-2444

Township of Middle

Appraisal
Ms. Lee Ann Russ, Assessor
33 Mechanic Street
Cape May Court House, NJ 08210
(609) 465-8726

FIVE YEAR CLIENT LIST

| Client | Year Signed | Type of Service |
|---------------------------|------------------------|---------------------------------------|
| Alaska | | |
| Municipality of Anchorage | 2007, 2008, 2009, 2010 | MAS, Landisc |
| California | | |
| Alameda County | 2009, 2010 | AES |
| Contra Costa County | 2009 | AES |
| Merced County | 2010 | AES |
| Orange County | 2010 | AES |
| Riverside County | 2009, 2010 | AES |
| San Bernardino County | 2009 | AES |
| Santa Clara County | 2009 | AES |
| San Diego County | 2007, 2009 | MAS |
| | 2010 | AES, MAS |
| San Joaquin County | 2009, 2010 | AES |
| San Luis Obispo County | 2010 | AES |
| Solano County | 2009, 2010 | AES |
| Sonoma County | 2010 | AES |
| Ventura County | 2009, 2010 | AES |
| Colorado | | |
| Arapahoe County | 2007, 2008, 2009, 2010 | OASIS |
| Boulder County | 2010, 2011 | spatialest |
| City & County of Denver | 2007 | MAS, OASIS |
| | 2008 | Landisc |
| | 2009 | OASIS Consulting |
| | 2010 | Landisc, MAS, OASIS |
| Logan County | 2007 | IAS |
| | 2008 | iasWorld, IAS Consulting |
| | 2010 | IAS Consulting, spatialest |
| | 2011 | IAS Consulting |
| Connecticut | | |
| Towns of Avon & Canton | 2008 | Appraisal |
| Town of Bethel | 2007, 2008, 2009, 2010 | Landisc, Univers |
| City of Bridgeport | 2007 | OASIS |
| City of Bristol | 2007 | Landisc, Univers |
| Town of Canton | 2008 | Appraisal Consulting |
| Town of Clinton | 2007 | Appraisal |
| Town of Darien | 2007 | Appraisal, iasWorld, Landisc, Univers |
| | 2008, 2009 | iasWorld |
| | 2010 | Appraisal Consulting, iasWorld |
| Town of Durham | 2007, 2008, 2009, 2010 | Appraisal, Landisc, Univers |
| Town of East Haddam | 2007 | Landisc, Univers |
| Town of Farmington | 2007 | Appraisal |
| Town of Franklin | 2007 | Appraisal |
| Town of Griswold | 2010 | Appraisal |
| Town of Groton | 2007 | Appraisal, iasWorld, Univers |
| | 2008 | iasWorld, Univers |
| | 2009 | iasWorld |
| | 2010 | Appraisal, iasWorld |

Five Year Client List

| Client | Year Signed | Type of Service |
|------------------------|------------------------|------------------------------|
| Town of Killingly | 2007 | Landisc, Univers |
| | 2008, 2009 | iasWorld, Landisc |
| | 2010 | iasWorld |
| Town of Lebanon | 2007 | Appraisal |
| City of Middletown | 2007 | Appraisal, Landisc, Univers |
| | 2008, 2009, 2010 | Landisc, Univers |
| Town of Monroe | 2007, 2008 | Landisc, Univers |
| | 2009, 2010 | Appraisal, Landisc Univers |
| Town of Newington | 2007, 2008, 2009 | iasWorld |
| | 2010 | Appraisal, iasWorld |
| NECCOG | 2011 | Appraisal |
| Town of North Branford | 2010 | Appraisal |
| Town of North Haven | 2007, 2008 | Appraisal, Landisc, Univers |
| | 2009 | Landisc, Univers |
| | 2010 | Appraisal Consulting |
| Town of Plainfield | 2008, 2010 | iasWorld |
| Town of Plainville | 2007 | Landisc, Univers |
| | 2008, 2009 | Univers |
| | 2010 | Appraisal, Univers |
| Town of Plymouth | 2008, 2009, 2010 | Landisc, Univers |
| Town of Portland | 2007, 2008, 2009 | Landisc, Univers |
| | 2010 | Appraisal, Landisc, Univers |
| Town of Putnam | 2007 | Appraisal |
| Town of Redding | 2007, 2008, 2009, 2010 | Univers |
| Town of Scotland | 2007 | Appraisal |
| Town of Southington | 2007 | IAS, Landisc |
| | 2008, 2009, 2010 | iasWorld |
| | 2011 | IAS Consulting |
| Town of Stafford | 2007, 2008, 2009, 2010 | Landisc, Univers |
| Town of Sterling | 2008, 2009, 2010 | iasWorld |
| Town of Thomaston | 2008 | Appraisal |
| | 2010 | Appraisal, Landisc, Univers |
| Town of Thompson | 2010 | Appraisal Consulting |
| Town of Voluntown | 2007, 2008 | Univers |
| | 2009 | Landisc, Univers |
| Town of Weston | 2007, 2008 | Landisc, Univers |
| Town of Willington | 2007 | Appraisal, Landisc, Univers |
| | 2008 | Appraisal |
| Town of Windham | 2007, 2008, 2009, 2010 | Landisc, Univers |
| Delaware | | |
| City of Dover | 2007, 2009, 2010 | iasWorld |
| | 2008 | Appraisal, iasWorld |
| City of Milford | 2008, 2009, 2010 | Landisc, Univers |
| Town of Smyrna | 2007, 2008, 2011 | Landisc, Univers |
| | 2009, 2010 | Appraisal |
| Florida | | |
| Leon | 2007 | IAS |
| | 2008 | IAS, IAS Consulting, Landisc |
| Manatee | 2007 | IAS, iCare |
| | 2009 | IAS Consulting |
| | 2010 | iasWorld |
| Palm Beach County | 2008, 2009 | IAS, IAS Consulting |
| | 2011 | iasWorld |
| Georgia | | |
| Bibb County | 2007, 2009 | Appraisal |

Five Year Client List

| Client | Year Signed | Type of Service |
|----------------------------|------------------------|---|
| Bulloch County | 2007, 2008, 2009 | Univers |
| Cobb County | 2007 | Appraisal, IAS |
| | 2008 | Appraisal, IAS, IAS Consulting |
| | 2009, 2010 | Appraisal, iasWorld, Landisc |
| Columbia County | 2008, 2009, 2010 | Landisc |
| Columbus Consolidated Gov. | 2007, 2008, 2009, 2010 | OASIS |
| DeKalb County | 2008, 2009 | OASIS |
| | 2010 | iasWorld |
| Dougherty County | 2007 | Appraisal |
| Fayette County | 2007, 2009, 2010 | iasWorld |
| Forsyth County | 2007 | IAS, iCare |
| | 2009 | iasWorld, IAS Consulting |
| | 2010, 2011 | iasWorld |
| Fulton County | 2007, 2008 | IAS, iCare, Landisc |
| | 2009 | IAS Consulting, iCare |
| | 2010 | iasWorld, IAS BPAS |
| Gwinnett County | 2009 | Appraisal |
| Pierce County | 2009 | Appraisal |
| Stephens County | 2007, 2008, 2010 | Univers |
| Hawaii | | |
| Hawaii County | 2007 | iasWorld |
| | 2008, 2009 | iasWorld, IAS BPAS, IAS Consulting |
| | 2010 | IAS, IAS BPAS |
| City & County of Honolulu | 2007 | iasWorld |
| | 2008 | iasWorld, IAS Consulting |
| | 2009 | IAS, IAS BPAS, IAS Consulting, Landisc |
| | 2010 | iasWorld, IAS BPAS, IAS Consulting |
| Kauai County | 2007, 2008 | iasWorld, Landisc |
| | 2008, 2009 | iasWorld, IAS BPAS, Landisc |
| | 2010 | IAS, IAS BPAS |
| Maui County | 2007 | IAS |
| | 2008 | iasWorld, IAS BPAS, IAS Consulting, Landisc |
| | 2009 | IAS, IAS BPAS, Landisc |
| | 2010 | IAS, IAS BPAS |
| Indiana | | |
| Bartholomew County | 2007, 2008, 2009 | Appraisal |
| Boone County | 2007 | Appraisal |
| Clay County | 2007, 2010 | Appraisal |
| Crawford County | 2007, 2008, 2009 | Appraisal |
| Dearborn County | 2009 | Appraisal |
| Dubois County | 2007, 2008, 2009, 2010 | Appraisal |
| Fountain County | 2008, 2010, 2011 | Appraisal |
| Gibson County | 2007, 2008, 2009, 2011 | Appraisal |
| Greene County | 2007, 2008, 2010 | Appraisal |
| Henry County | 2007 | IAS, Landisc |
| | 2008 | iasWorld |
| Jackson County | 2009, 2010 | Appraisal |
| Jefferson County | 2009 | Appraisal |
| Jennings County | 2007, 2008, 2009 | Appraisal |
| Johnson County | 2008, 2009 | Appraisal |
| Knox County | 2010 | Appraisal |
| LaPorte County | 2010 | Appraisal |
| Owens County | 2008, 2010 | Appraisal |
| Parke County | 2009, 2010, 2011 | Appraisal |
| Perry County | 2007, 2008, 2009, 2010 | Appraisal |
| Portage Township | 2010 | Appraisal |

Five Year Client List

| Client | Year Signed | Type of Service |
|---------------------|------------------------|----------------------------|
| Porter County | 2009, 2010 | Appraisal |
| Posey County | 2010 | Appraisal |
| Ripley County | 2009 | Appraisal |
| Scott County | 2007, 2008, 2009, 2011 | Appraisal |
| Spencer County | 2009 | Appraisal |
| Sullivan County | 2008, 2009, 2010 | Appraisal, iasWorld |
| Switzerland County | 2009, 2010, 2011 | Appraisal |
| Tippecanoe County | 2007, 2008, 2009, 2010 | Appraisal |
| Vermillion County | 2009, 2010 | Appraisal |
| Warrick County | 2007, 2008, 2009, 2010 | Appraisal |
| Washington County | 2008, 2009, 2010 | Appraisal |
| White County | 2009, 2010 | Appraisal |
| Iowa | | |
| Clinton County | 2008, 2010 | Landisc, Univers |
| City of Davenport | 2008, 2009, 2010 | Univers |
| Kansas | | |
| State of Kansas DOR | 2007, 2008, 2009 | MAS |
| | 2010 | MAS, Orion |
| | 2011 | Orion |
| Butler County | 2010 | Orion |
| Dickinson County | 2010 | Orion |
| Douglas County | 2011 | Orion |
| Finney County | 2010 | Orion |
| Johnson County | 2008 | OASIS |
| | 2010, 2011 | Orion |
| Sedgwick County | 2007, 2008 | MAS |
| | 2010, 2011 | Orion |
| Shawnee County | 2007 | MAS |
| Wyandotte County | 2004, 2007, 2008 | MAS |
| | 2009 | Univers |
| | 2010 | Orion |
| Kentucky | | |
| Fayette County | 2008, 2009, 2010 | iasWorld |
| Hardin County | 2007, 2008, 2009, 2010 | Landisc, Univers |
| Louisiana | | |
| Orleans Parish | 2007, 2010 | Appraisal |
| | 2008, 2009 | Appraisal, iasWorld |
| Maine | | |
| City of Bath | 2008, 2009, 2010 | iasWorld |
| City of Lewiston | 2007 | Appraisal, Univers |
| | 2008, 2009 | iasWorld |
| | 2010 | Appraisal, iasWorld |
| City of Portland | 2007, 2008 | iasWorld, Landisc, Univers |
| | 2009 | IAS Consulting |
| | 2010 | iasWorld |
| Town of Wiscasset | 2008, 2009, 2010 | Appraisal |
| Maryland | | |
| Baltimore County | 2007, 2008, 2009, 2010 | OASIS |

| Client | Year Signed | Type of Service |
|----------------------|----------------------------------|--|
| Massachusetts | | |
| City of Brockton | 2007, 2008, 2010 2009 2011 | Appraisal, Landisc, Univers Landisc, Univers Appraisal |
| City of Chicopee | 2007, 2008, 2009, 2010 | Appraisal, Univers |
| City of Everett | 2007, 2009 2010 | Appraisal Landisc, Univers |
| Town of Natick | 2008 2007, 2009, 2010 | Landisc, Univers Appraisal, Landisc, Univers |
| City of Northampton | 2007, 2009, 2010 2008 | Appraisal, Univers Univers |
| City of Peabody | 2007, 2008, 2009, 2010 | Appraisal, Landisc, Univers |
| City of Pittsfield | 2007, 2008 2009 2010 | Appraisal, Univers Univers Appraisal, Univers |
| City of Portland | 2009 | iasWorld |
| Town of Southborough | 2008 | Appraisal |
| City of Springfield | 2007 2008, 2010 2009 | Appraisal, IAS Appraisal, iasWorld Appraisal |
| Town of Stow | 2007, 2008, 2009, 2010 | Appraisal, Univers |
| Minnesota | | |
| Dakota | 2007, 2008 2009 | Gap Analysis iasWorld |
| Olmsted County | 2010 | iasWorld |
| Ramsey County | 2007, 2010, 2011 | iasWorld, Landisc |
| Missouri | | |
| Cape Girardeau | 2007, 2008, 2010 | iasWorld |
| Greene County | 2007, 2008, 2009, 2010 | IAS, Landisc |
| Jackson County | 2009, 2010 | Appraisal |
| Jasper County | 2008 2010, 2011 | iasWorld, Landisc iasWorld |
| Knox County | 2007, 2010 | Univers |
| Scotland County | 2008 | Univers |
| St. Louis County | 2007 2008, 2009, 2010 | IAS iasWorld |
| Montana | | |
| State of Montana DOR | 2007 2010, 2011 | Landisc, MAS Orion |
| Nebraska | | |
| State of Nebraska | 2010 | Orion |
| Lancaster County | 2007, 2008, 2009 2010, 2011 | OASIS Orion |
| New Hampshire | | |
| Town of Allenstown | 2007, 2008, 2009 | Landisc, Univers |
| Town of Bristol | 2007, 2008, 2009, 2010 | Landisc, Univers |
| Town of Conway | 2007, 2008, 2009, 2010 | Landisc, Univers |
| City of Dover | 2007, 2008, 2009, 2010 | Landisc, Univers |
| City of Franklin | 2007, 2008, 2009, 2010 | Landisc, Univers |
| Town of Gilford | 2007, 2008, 2009, 2010 | Landisc, Univers |
| Town of Holderness | 2007, 2008, 2009, 2010 | Landisc, Univers |
| City of Keene | 2007, 2009, 2010 2008 | Appraisal iasWorld |

Five Year Client List

| Client | Year Signed | Type of Service |
|-------------------------|------------------------------|---------------------|
| Town of Newington | 2008, 2009, 2010 | Landisc, Univers |
| Town of Peterborough | 2008, 2009 | Landisc, Univers |
| | 2007, 2008, 2010 | iasWorld |
| Town of Plaistow | 2007, 2008, 2010 | Landisc, Univers |
| City of Portsmouth | 2007, 2008 | Landisc, Univers |
| New Jersey | | |
| State of New Jersey DOR | 2008 | iasWorld |
| City of Brigantine | 2008, 2009 | Appraisal |
| City of Camden | 2008 | Appraisal |
| Deerfield Township | 2008, 2010 | Univers & Landisc |
| Dennis Township | 2010 | Univers |
| City of North Wildwood | 2007, 2009, 2011 | Landisc, Univers |
| | 2010 | Appraisal |
| City of Salem | 2008 | Landisc, Univers |
| Voorhees Township | 2008 | Landisc, Univers |
| City of Ventnor | 2008 | Univers |
| City of Vineland | 2007 | Univers |
| | 2009 | Landisc, Univers |
| Voorhees Township | 2007 | Landisc, Univers |
| City of Wildwood | 2009, 2010 | Landisc, Univers |
| City of West Wildwood | 2007 | Landisc, Univers |
| | 2008 | Appraisal |
| New Mexico | | |
| Bernalillo County | 2008 | IAS, IAS Consulting |
| | 2009, 2010 | iasWorld |
| New York | | |
| Village of Bronxville | 2007 | Appraisal |
| Town of Brookhaven | 2007, 2008 | iasWorld, Landisc |
| | 2009 | iasWorld |
| Town of Lewisboro | 2007, 2008, 2009, 2010 | Univers |
| Village of Mineloa | 2008, 2009, 2010 | Univers |
| Nassau County | 2007, 2008, 2009 | iasWorld, Landisc |
| | 2010 | IAS |
| City of New York | 2009 | MAS |
| Town of Southampton | 2007, 2008, 2009, 2011 | Appraisal |
| North Carolina | | |
| Alamance County | 2007 | IAS, Landisc |
| Alleghany County | 2007, 2008, 2010 | Landisc, Univers |
| Anson County | 2007, 2008, 2009, 2010 | MAS |
| Catawba County | 2007, 2010 | Univers |
| | 2009 | Appraisal |
| Cumberland County | 2007, 2008, 2009, 2010 | Landisc, OASIS |
| Currituck County | 2009 | iasWorld |
| Dare County | 2007, 2008, 2009, 2010, 2011 | iasWorld |
| Franklin County | 2007, 2008, 2009, 2010 | iasWorld, Landisc |
| Greene County | 2009 | Univers |
| Halifax County | 2007 | IAS, Landisc |
| | 2008, 2009, 2010 | IAS, Landisc |
| Hoke County | 2009 | Univers |
| Johnston County | 2010, 2011 | spatialest |
| Lee County | 2007, 2008, 2009, 2010 | iasWorld |
| Martin County | 2007, 2008, 2009, 2010 | Univers |
| Mecklenburg County | 2010 | spatialest |

Five Year Client List

| Client | Year Signed | Type of Service |
|--------------------|------------------------------------|--|
| Moore County | 2007, 2008, 2010 2009 | MAS IAS, MAS |
| Nash County | 2007, 2009, 2010 2008 | iasWorld, Landisc Appraisal, iasWorld, Landisc |
| New Hanover County | 2007, 2008, 2011 2009 | iasWorld, Landisc iasWorld, Landisc, spatialest |
| Onslow | 2007, 2008, 2009, 2010, 2011 | iasWorld |
| Pasquotank County | 2007, 2008, 2009, 2010 | Univers |
| Randolph County | 2007, 2008, 2009, 2010 | MAS |
| Tyrrell County | 2010 | Landisc & Univers |
| Watauga County | 2008, 2009, 2010 | iasWorld |
| Wilkes County | 2007, 2009, 2010 | Landisc, Univers |
| Yadkin County | 2007 | Landisc |
| Yancey County | 2007 2010 | Univers Landisc, Univers |
| Ohio | | |
| Ashtabula County | 2008, 2010 | iasWorld |
| Athens County | 2007 2008 2011 | IAS, Landisc Appraisal, IAS, Landisc Appraisal |
| Auglaize County | 2007 2008 2009, 2011 2010 | Appraisal, IAS Appraisal, Landisc IAS, Landisc Appraisal, IAS, Landisc |
| Butler County | 2007, 2008 2009 2010 2011 | Appraisal, IAS, iCare, Landisc IAS, iCare, Landisc Appraisal, IAS, iCare, Landisc IAS, |
| Clark County | 2008, 2009 2010 2011 | IAS Appraisal, IAS Consulting, Landisc IAS, Landisc |
| Clermont County | 2007 2008 2009 2010 | Appraisal, IAS, Landisc Appraisal, IAS, iCare, Landisc iasWorld, iCare iasWorld, IAS, Landisc |
| Coshocton County | 2007, 2008, 2009 2010 | IAS IAS Consulting |
| Fairfield County | 2007, 2008, 2010 | IAS |
| Franklin County | 2009 | Appraisal |
| Gallia County | 2007, 2008 2010 2011 | Appraisal, IAS Appraisal, IAS, Landisc Appraisal |
| Greene County | 2007 2008 2010 2011 | IAS Appraisal, IAS Appraisal IAS |
| Jackson County | 2007 2009 2010 2011 | Appraisal, IAS Appraisal Appraisal, Landisc IAS |
| Lake County | 2007, 2008, 2009, 2011 2010 | IAS Appraisal, IAS |
| Lorain County | 2010 | Appraisal |
| Montgomery County | 2007 2008, 2009 2010 2011 | IAS, Landisc Appraisal, iasWorld, Landisc Appraisal iasWorld |

Five Year Client List

| Client | Year Signed | Type of Service |
|---------------------|------------------------------------|--|
| Morgan County | 2007, 2008 2011 | Appraisal, IAS IAS IAS |
| Muskingham County | 2009, 2010 | Appraisal |
| Ottawa County | 2007, 2008, 2009, 2010 2011 | IAS iasWorld |
| Perry County | 2007, 2008, 2009 | IAS |
| Pickaway County | 2007, 2008, 2009 2010 2011 | Appraisal, IAS, Landisc, ReCo Appraisal, IAS IAS, ReCo |
| Richland County | 2007 2008 2009, 2010 | iasWorld Appraisal, iasWorld, Landisc iasWorld, Landisc |
| Scioto County | 2008, 2010 2009 | Appraisal Digital Images |
| Seneca County | 2007 2008 2009 2010, 2011 | Appraisal, IAS, Appraisal, IAS, Landisc Appraisal, IAS Consulting iasWorld, Landisc |
| Summit County | 2007, 2008, 2009, 2010 | IAS |
| Wyandot County | 2010 | Appraisal |
| Oregon | | |
| Multnomah County | 2010 | Orion |
| Pennsylvania | | |
| Allegheny County | 2007, 2010 | Appraisal, IAS |
| Armstrong County | 2007, 2008 2011 | IAS, Landisc IAS, Landisc |
| Bedford | 2007 2010 2011 | Appraisal, IAS IAS iasWorld |
| Berks County | 2007, 2008, 2009, 2010, 2011 | MAS |
| Bucks County | 2008, 2010 | iasWorld |
| Carbon County | 2011 | Landisc, Univers |
| Chester County | 2008, 2009, 2010 | IAS, Landisc |
| Clearfield County | 2007 | Landisc, Univers |
| Columbia County | 2007, 2008, 2009 2010 | IAS IAS Consulting |
| Delaware County | 2007, 2008, 2009 | IAS, Landisc |
| Erie County | 2007, 2009, 2011 2008, 2010 | IAS, Landisc IAS Consulting |
| Fayette County | 2007, 2008, 2009 2010 | IAS, iCare, Landisc iCare |
| Lancaster County | 2010 | spatialest |
| Montgomery County | 2007, 2008 2010 | iCare IAS, Landisc |
| Montour County | 2009 | iCare, Landisc, Univers |
| Northampton County | 2007, 2008 2009 2010, 2011 | IAS, iCare, Landisc Appraisal, IAS, Landisc IAS, Landisc |
| Northampton County | 2009 | Appraisal |
| Somerset County | 2007, 2008, 2009, 2010 | MAS |
| Westmoreland County | 2011 | iasWorld |
| York County | 2007, 2008 2010 | IAS IAS Consulting |

Five Year Client List

| Client | Year Signed | Type of Service |
|-----------------------|------------------|------------------------------|
| Rhode Island | | |
| City of Pawtucket | 2007 | IAS, Appraisal |
| | 2008 | Appraisal, iasWorld |
| City of Providence | 2007 | Appraisal, IAS, Landisc |
| | 2008 | Appraisal, iasWorld, Landisc |
| | 2009, 2010, 2011 | Appraisal |
| City of Warwick | 2007 | iCare |
| Town of West Warwick | 2007 | iasWorld, Landisc, Univers |
| | 2008 | Appraisal, iasWorld, Landisc |
| | 2010 | iasWorld |
| South Carolina | | |
| Oconee County | 2010 | Appraisal |
| South Dakota | | |
| Pennington County | 2010, 2011 | Orion |
| Tennessee | | |
| State of Tennessee | 2007 | iasWorld |
| Davidson County | 2010 | spatialest |
| Shelby County | 2007, 2010 | iasWorld, Landisc |
| | 2008, 2009 | Appraisal, iasWorld, Landisc |
| Texas | | |
| Anderson County | 2010 | Orion |
| Aransas County | 2010, 2011 | Orion |
| Bastrop County | 2010, 2011 | Orion |
| Fort Bend County | 2010, 2011 | Orion |
| Franklin County | 2010, 2011 | Orion |
| Galveston County | 2010, 2011 | Orion |
| Grayson County | 2010 | Orion |
| Grimes County | 2010, 2011 | Orion |
| Guadalupe County | 2010, 2011 | Orion |
| Hays County | 2010, 2011 | Orion |
| Hutchinson County | 2010, 2011 | Orion |
| Jackson County | 2010, 2011 | Orion |
| Jasper County | 2010, 2011 | Orion |
| City of Katy | 2011 | Orion |
| Kerr County | 2010, 2011 | Orion |
| Lavaca County | 2010, 2011 | Orion |
| Limestone County | 2010, 2011 | Orion |
| Lubbock County | 2010, 2011 | Orion |
| Medina County | 2010, 2011 | Orion |
| Montgomery County | 2010, 2011 | Orion |
| Newton County | 2010, 2011 | Orion |
| Nueces County | 2010, 2011 | Orion |
| Orange County | 2010, 2011 | Orion |
| Pasadena County | 2010, 2011 | Orion |
| San Jacinto County | 2010, 2011 | Orion |
| San Patricio County | 2010 | Orion |
| Victoria County | 2010 | Orion |
| Washington County | 2010, 2011 | Orion |
| Williamson County | 2010, 2011 | Orion |
| Wood County | 2010 | Orion |
| Vermont | | |
| Town of Colchester | 2007, 2008, 2009 | Univers |
| City of Rutland | 2005 | Appraisal |

| Client | Year Signed | Type of Service |
|----------------------------|------------------------------|------------------------------|
| Virginia | | |
| Fairfax County | 2007 | iasWorld, Landisc |
| | 2008 | iasWorld, iCare, Landisc |
| | 2009, 2010 | iasWorld, Landisc |
| Loudoun County | 2011 | iasWorld |
| Montgomery County | 2007 | IAS, Landisc |
| | 2008, 2009, 2010 | IAS, Landisc |
| City of Newport News | 2011 | iasWorld |
| West Virginia | | |
| State of West Virginia | 2007, 2009 | IAS |
| | 2008, 2010 | Appraisal, IAS |
| Barbour County | 2008 | Appraisal Consulting |
| Jackson County | 2007 | Landisc |
| Kanawha County | 2010, 2011 | Appraisal |
| Mason County | 2007, 2008, 2010, 2011 | Landisc |
| | 2009 | Appraisal, Landisc |
| Monongalia County | 2009, 2010 | Appraisal |
| Wetzel | 2007 | Landisc |
| Wisconsin | | |
| State of Wisconsin DOR | 2007, 2008, 2009, 2010 | iasWorld |
| City of Baraboo | 2007 | Univers |
| Town of Caledonia | 2007 | Appraisal, Univers |
| | 2010, 2011 | Appraisal |
| City of Fond du Lac | 2007, 2008, 2010, 2011 | Landisc, MAS |
| | 2009 | Appraisal, Landisc, MAS |
| City of Franklin | 2007, 2009 | Appraisal |
| | 2008 | Appraisal, Univers |
| Town of Grand Chute | 2009 | Appraisal |
| City of Green Bay | 2007, 2008, 2009, 2010, 2011 | MAS |
| City of Hartford | 2009 | Appraisal, MAS |
| City of Janesville | 2007, 2009, 2010 | Appraisal |
| Manitowoc Public Utilities | 2007, 2008, 2009, 2010 | IAS |
| Village of Menomonee Falls | 2007 | Appraisal |
| | 2008 | Appraisal, IAS, Landisc |
| | 2009, 2010 | IAS |
| Village of Mt. Pleasant | 2007 | Univers |
| City of Muskego | 2008 | Appraisal, iasWorld |
| | 2007, 2009 | IAS |
| | 2010 | IAS, IAS Consulting, Landisc |
| City of Neenah | 2007, 2008 | Appraisal, MAS |
| | 2009 | Appraisal, Landisc, MAS |
| | 2010 | Appraisal |
| City of New Berlin | 2011 | Landisc, MAS |
| | 2007, 2008, 2009 | IAS, Landisc |
| | 2010 | IAS, IAS Consulting |
| City of Oshkosh | 2007 | IAS, Landisc |
| | 2008 | IAS, iCare, Landisc |
| | 2009 | iasWorld, iCare, Landisc |
| City of Sheboygan | 2007, 2008 | MAS |
| City of Sun Prairie | 2011 | Appraisal |
| City of Wauwatosa | 2007, 2008, 2009, 2010 | Univers |
| City of West Bend | 2008, 2009 | MAS |
| Village of Whitefish Bay | 2007 | Appraisal, Univers |
| | 2011 | Appraisal |
| City of Wisconsin Rapids | 2004 | Landisc, Univers |

Five Year Client List

| Client | Year Signed | Type of Service |
|--|--------------------------------------|---------------------------------|
| Australia City of Whittlesea | 2011 | spatialest |
| Canada Province of Newfoundland Province of Nova Scotia | 2008, 2009, 2010 2008, 2009, 2010 | IAS iasWorld, IAS Consulting |
| United Kingdom EDS/England Valuation Office Agency | 2007, 2008, 2009, 2010 | OASIS |

April 2011

Section 4 Conflict of Interest



Conflict of Interest Statement

Tyler Technologies sees no conflicts of interest as it relates to conducting a Revaluation Project for the City of Milford.

Section 5 Litigation Statement



Litigation & Judgements

CLT joined with **Shelby County, Tennessee** in an action brought by Robert Bates et al against the County and its assessor in Shelby County, Tennessee Chancery Court. The case number is CH-01-1158-1. Bates brought the action against the County as a result of the County's denial to provide, under a Freedom of Information request, data and software in an electronic format. The County maintained that the data was available in hard copy, and that it was not required to provide the requested information in electronic format. CLT petitioned the Court and was allowed to join the case on the side of the County to protect proprietary CLT and Oracle information, which the County is precluded from releasing by virtue of its agreement with CLT. The judge ruled that the non-proprietary data should be provided to Bates. While CLT was satisfied by this decision, the County is appealing it. CLT and the County have filed briefs with the appeals court.

The town of **Milford, New Hampshire** has filed suit against CLT in 2003 claiming breach of contract relative to the April 1, 2000 revaluation. The town accepted the revaluation at the time and continued to use it as a basis for their assessment roll. CLT denied the breach, and the matter moved to arbitration as required by contract. In January of 2006 the arbitrator ruled that CLT was in breach due to CLT's failure to satisfy the New Hampshire Board of Tax and Land Appeal's order to the town to perform a revaluation that would satisfy the Board. The matter was settled to the satisfaction of both parties.

In 2009 **Beach Creek Marina** of North Wildwood, New Jersey filed a lawsuit in Federal Court seeking damages from Tyler and others as a result of the 2006 revaluation we performed for the city. We have filed a motion to dismiss and await the Court's ruling on that motion.

In 2010 **Beach Creek Marina** of North Wildwood, New Jersey filed a lawsuit in New Jersey State Court seeking damages from Tyler and others as a result of the 2006 revaluation we performed for the city. We feel that the case has no merit, and our strategy is still under consideration as the suit was recently (May, 2010) received.



Section 6 Cost Proposal

State of Delaware Business License

Cost Breakdown

Revaluation & Imaging of the City of Milford \$261,200.00

Billing Summary

| <u>activity</u> | <u>%</u> | <u>fee</u> |
|--|----------|------------|
| Project Bonding & Commencement | 10% | \$ 26,120 |
| Data Collection & Data Entry | 45% | \$ 117,540 |
| Data Mailer Process | 5% | \$ 13,060 |
| Image Gathering | 3% | \$ 7,836 |
| Valuation Analysis | 15% | \$ 39,180 |
| Valuation Production | 2% | \$ 5,224 |
| Field Review of Values | 14% | \$ 36,568 |
| Informals Process | 6% | \$ 15,672 |
| total | 100% | \$ 261,200 |
| <u>options</u> | | |
| Local Formal Appeal Support > 3 days, per diem, add | | \$ 1,100 |
| County, State, or Court Appeal Support, per diem, add | | \$ 1,200 |
| Parcel Overage Fee (over 4168 parcels), per parcel | | \$ 50 |

Please Note: Not included in CLT's base proposal are any costs for:

- City computer hardware, software or network hardware/software, software license;
- City printing, postage and mailing costs for any Income & Expense requests;
- City staff effort to review Project work products, to attend training and public meetings or to answer citizen or media inquiries;
- City effort to resolve mapping exceptions;
- Meeting room(s) for Informal Meetings and Formal Appeals meetings/hearings; or
- Any regular or normal City assessment, mapping or clerical activities.

TIME AND MATERIALS RATES

Services requested in writing by the City in addition to those covered in this Agreement will be provided by CLT at its time and material rates. Travel and other out-of-pocket expenses will be invoiced at cost.

CLT's hourly time and materials rates are as follows:

| | | |
|---------------------------------|----------|----------|
| Senior Company Officer | \$206.00 | \$257.50 |
| Company Officer | 175.00 | 218.75 |
| Program Manager | 150.00 | 187.50 |
| Project Supervisor | 145.00 | 181.25 |
| Application DBA | 195.00 | 243.75 |
| Lead Programmer/Analyst | 140.00 | 175.00 |
| Senior Programmer/Analyst | 125.00 | 156.25 |
| Senior Appraiser | 120.00 | 150.00 |
| Senior Technical Writer | 107.50 | 134.50 |
| Intermediate Programmer/Analyst | 107.50 | 134.50 |
| Technical Writer | 90.00 | 112.50 |
| Junior Programmer/Analyst | 90.00 | 112.50 |
| Appraiser | 82.50 | 103.00 |
| Administrative Support | 62.50 | 78.00 |
| Data Collector | 62.50 | 78.00 |
| Data Entry Supervisor | 62.50 | 78.00 |
| Data Entry Operator | 52.50 | 65.50 |
| Clerical | 52.50 | 65.50 |

LICENSE NO. 2005204864 DORAL

STATE OF DELAWARE

VALID

POST CONSPICUOUSLY

DIVISION OF REVENUE

01/01/11 - 12/31/11
NOT TRANSFERABLE

DLN: 10 83444 75

BUSINESS CODE
GROUP CODE

377

LICENSED
ACTIVITY

WHOLESALER-ANY PRODUCTS

DATE ISSUED: 12/20/10

VALIDATED

2011

LICENSE FEE: \$ 75.00

MAILING ADDRESS

BUSINESS LICENSE

BUSINESS LOCATION

#BWNKHPS
#1CFW HF40 2LM1 2Z29#
TYLER TECHNOLOGIES INC
5949 SHERRY LN STE 1460
DALLAS TX 75225-8039



TYLER TECHNOLOGIES INC
5949 SHERRY LN STE 1460
DALLAS TX 75225-8039

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE.

PATRICK T. CARTER

DIRECTOR OF REVENUE

IMPORTANT - TEAR AT ABOVE PERFORATION AND DISPLAY IN A PUBLIC LOCATION

Federal E.I. No. or
Social Security Number 1 75230 3920 002

Business Code 377
Group Code

Licensed
Activity WHOLESALER-ANY PRODUCTS

The State of Delaware Business License printed above must be posted in a public area at the location address listed. If you have any questions regarding this license, please call (302) 577-8778.

REPLACEMENT LICENSES

Keep this portion of your license separate, in case you need a replacement for any lost, stolen or destroyed license. A \$15 fee will be charged for the replacement of a license. Send the \$15 along with a copy of this form or provide your Federal Employer Identification Number, or Social Security Number, suffix, Business Code, Business Name and address to Delaware Division of Revenue, Attn.: Business Master File, PO Box 8750, Wilmington, DE 19899-8750. You will receive your replacement license within three to four weeks.

OTHER IMPORTANT INFORMATION

Most licensees are also required to pay either gross receipts or excise taxes in addition to the license fee. You can file these taxes online or obtain a paper form from our website at www.revenue.delaware.gov. You must submit all business tax returns filed with the Division of Revenue under the same identification number. If you are a sole-proprietor, and have a federal employer identification number, use the employer identification number, not your social security number. Only sole proprietors with no employees are allowed to file under their social security number. Inquiries regarding your coupon booklets to pay withholding, corporate tentative, and Sub Chapter "S" estimated taxes, or to make changes to your name, address, or identification number, should be directed to the Business Master File Unit at (302) 577-8778.

INTERNET SITE

The Division of Revenue web address is: www.revenue.delaware.gov. Visit our web site for tax tips, links to telephone numbers, forms that you can download, links to other State agencies, the Delaware Code, the publication "Delaware Guide for Small Business" and lots more. Internet filing of personal income tax returns via the Division of Revenue's website is available. Internet filing for Withholding, Gross Receipts and Corporate Tentative payments is also available.

Section 7 Resumes

| | |
|---|--|
| Name | Paul M. Flynn, ASA, Northeast Regional Manager |
| Date of Hire | 12/11/78 |
| Position Responsibilities | Responsible for all appraisal operations of Tyler's northeast region. |
| Previous Appraisal and Tax Experience | Regional operations manager, residential/farm data collector, commercial/industrial data collector, residential group leader, residential reviewer, senior residential reviewer, project supervisor |
| Education | Central Connecticut State College: Business major University of Connecticut: Business Major |
| Technical skills, qualifications or experience | Vermont Certified Revaluation Project Supervisor Connecticut Certified at all levels for revaluation New Hampshire Certified Revaluation Project Supervisor Accredited Senior Appraiser – American Society of Appraisers Member of International, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, Northeastern Regional Associations of Assessing Officers, New York State Assessor's Association, Assessors Association of Pennsylvania, Association of Municipal Assessors of New Jersey |
| Appraisal and Tax Project Experience | Numerous projects in |

| | |
|---|---|
| Name | Paul C. Miller, Project Supervisor/Sales Executive |
| Date of Hire | 04/04/97 |
| Position Responsibilities | Management of real estate appraisal projects and associated staff; sales of real estate appraisal and computer system projects |
| Previous Appraisal and Tax Experience | Staff supervisor, group leader, review appraiser |
| Education | Shepherd College – Associate of Arts |
| Previous Work Experience | Delaware Co., DE: Chief Assessor York Co., PA: Assessor |
| Technical skills, qualifications or experience | New Jersey Certified Assessor Certified Pennsylvania Evaluator (CPE) Connecticut Certified Land/Residential and Commercial/Industrial |
| Appraisal and Tax Project Experience | Camden, Lopatcong, Middle, and West Wildwood, NJ; Delaware and York Counties, PA |

| | |
|---|--|
| Name | Wesley K. Graham, Appraisal Senior Project Supervisor |
| Date of Hire | 10/02/04 |
| Position Responsibilities | Management of large real estate mass appraisal projects and associated staff. |
| Previous Appraisal and Tax Experience | Project supervisor, residential supervisor |
| Education | Bluefield State College: BS in Mining Engineering |
| Previous Work Experience | Manatron, Inc: Project Manager, Regional Manager Sullivan Co., Pennsylvania: Chief Assessor, Tax Claim Directors |
| Technical skills, qualifications or experience | Certification Degree Real Estate- Penn State University Certified General Real Estate Appraiser, Certified Pennsylvania Evaluator Real Estate Salesperson License Certified AAP Instructor for CPE Designation IAAO member, Assessors Association of Pennsylvania member |
| Appraisal and Tax Project Experience | Allegheny and Sullivan Counties, Pennsylvania |

| | |
|---|---|
| Name | Eric S. Hardy, Area Manager |
| Date of Hire | 09/28/83 |
| Position Responsibilities | Management of multiple concurrent mass appraisal projects and associated staff. |
| Previous Appraisal and Tax Experience | Project supervisor, review appraiser |
| Education | Akron University: Earth Sciences, Geography |
| Previous Work Experience | John G. Cleminshaw: Appraiser |
| Technical skills, qualifications or experience | Connecticut Certified Land/Residential, Commercial/Industrial, Personal Property, Project Supervisor Vermont Certified Project Supervisor New Hampshire Certified Project Supervisor IAAO 101, 102, 301, 311, 917 ASA 203 |
| Appraisal and Tax Project Experience | Mass appraisal work in Connecticut, Massachusetts, New York, Vermont, New Hampshire, Rhode Island, Maine, Delaware, New Jersey, Pennsylvania, West Virginia, and Kansas |

LICENSE NO.

X1-0000546

STATE OF DELAWARE

DIVISION OF PROFESSIONAL REGULATION

651 Silver Lake Blvd.
Cannon Building, Suite 203
Dover, DE 19904-2457

NOT TRANSFERABLE

PROFESSION:

Certified General Real Property Appraise

EXPIRATION DATE:

10/31/2011

ISSUED TO:

Wesley K. Graham

MAILING ADDRESS

**Wesley K. Graham
PO Box 254
Laporte PA 18626**



PROFESSIONAL LICENSE

THIS CERTIFIES THAT THE PERSON NAMED IS HEREBY LICENSED TO CONDUCT OR ENGAGE IN THE PROFESSION INDICATED ABOVE. THIS DOCUMENT IS DULY ISSUED UNDER THE LAWS OF THE STATE OF DELAWARE.

Wesley K. Graham

LICENSEE SIGNATURE

267528

| | |
|---|--|
| Name | Ryan S. Zuck, Appraisal Residential Reviewer |
| Date of Hire | 09/15/08 |
| Position Responsibilities | Residential real estate appraisal and defense of values. |
| Previous Appraisal and Tax Experience | Residential group leader |
| Education | Camden County College |
| Previous Work Experience | Malton, NJ: Real Estate Appraiser |
| Technical skills, qualifications or experience | Delaware Licensed Appraiser USPAP |
| Appraisal and Tax Project Experience | Dover, DE; Camden, NJ |

| | |
|---|--|
| Name | Richard W. Arrowood, Residential Review Appraiser |
| Date of Hire | 01/19/09 |
| Position Responsibilities | Real estate property appraisal and defense of values |
| Previous Appraisal and Tax Experience | Commercial review appraiser |
| Education | Rutgers University- BA in Business Administration |
| Previous Work Experience | Appraisal Systems, Inc: Commercial Review Appraiser Vital Appraisal Systems: Commercial Appraiser Borough of Laurel Springs, NJ: Tax Assessor Borough of Stratford, NJ: Acting Tax Assessor Borough of Hi-Nella, NJ: Acting Tax Assessor |
| Technical skills, qualifications or experience | Certified Connecticut Land/Residential and Commercial/Industrial IAAO 101, 102, USPAP Rutgers University courses in Property Tax Administration, Real Property Appraisal, Income Approach to Value |
| Appraisal and Tax Project Experience | Camden, NJ |

Section 8 Sample Documents

Sample Pre-List Mailer
Sample Res. PRC
Sample Comm. PRC
Sample Data Mailer
Sample I&E Collection Form
Sample I&E Form

City of Dover Revaluation Project

The City of Dover is conducting a revaluation of all 11,600 properties in the City in accordance with a local ordinance requiring a revaluation every 3 years. The City last revalued properties in 2005. The City of Dover has hired Tyler Technologies' CLT Division to conduct the revaluation. This brochure offers a general explanation of revaluation. It describes the process and timetable to assure property owners that this important project will be conducted professionally, uniformly and fairly.

What Taxpayers want to know

How will I know when data collectors will be in my neighborhood?

If you have received this brochure in the mail, data collectors will be working in your area of the City within the next month.

Local police will receive advance schedules listing the streets where CLT staff will be working.

Do I have to let the data collector inside?

While owners or occupants are not obligated to allow a data collector to enter their property, interior information is helpful in generating an accurate appraisal. Characteristics will be estimated if they cannot be observed. Interior inspections enhance overall assessment quality, as there may be conditions apparent from the insides that are not discernible from the outside.

Data Collectors will check items such as:

- Number of bedrooms and bathrooms
- Fireplaces
- Types of heating and cooling systems
- Year house was built
- Basement Type
- General construction, materials and physical condition of the interior and exterior

Personal items such as furniture or décor do not influence the value of a house; they will not be noted. All data collectors will carry identification cards and you should not admit anyone into your home without proper identification.

What if I'm not home?

If no one is home, the data collector will complete an exterior inspection – including exterior measurements and estimate interior data using the data currently on file for the property as a guideline. Later in the project owners will receive a parcel inventory mailer listing the data upon which the appraisal will be based. At that time any corrections can be made and the owner may also request an appointment for an interior inspection.

What about photography?

Photographers will gather a digital image of every property in the City of Dover. The outside of each property from the street will be photographed. These images will become part of the City Assessors' computer database.

PLEASE NOTE

Data collectors have been trained to identify and record necessary property characteristics quickly and accurately. However, they are **not appraisers** and **will not be able to answer questions regarding property values or taxes.**

What's different about commercial and industrial data collection?

Much of it is the same as residential collection and will follow roughly the same timetable. Naturally factors will differ from those affecting a house. Information such as building income, expenses and vacancy rates will be gathered in addition to physical characteristics.

When will property owners be notified of new values?

This information will be mailed to all owners beginning in January 2010. These values will first be used to calculate new tax bills starting with the 2010 tax year.

How will Revaluation affect my taxes?

By itself, a revaluation is revenue neutral, although it will cause tax burden shifts between

properties. Some owners will see increases while others will see decreases. However, the total amount of taxes collected will depend upon the City budget.

After Data Collection....

Valuation Analysis

After data collection, beginning in the fall of 2009, CLT will perform valuation analysis using Computer Assisted Mass Appraisal (CAMA) techniques. During this process, CLT appraisers analyze local building costs, property sales, commercial income and expense information and other valuation factors to establish preliminary market values. These initial values are then reviewed in the field, along with property images to check for errors and make any necessary corrections.

Beginning in December 2009, CLT will submit the preliminary values to the City of Dover Assessor for review and approval.

New Value Notification

Notification of new tentative values will be mailed to all property owners in January 2010. The notice will also have instructions on how to contact CLT to ask questions or schedule a meeting with a CLT appraiser.

Although formal appeals are filed with the Assessor's Office, the appeals are heard and decided upon by The Board of Assessment Appeals.

Property Owner's Appeal

Informal value review meetings will be conducted by CLT during January and February 2010. If a property owner is not satisfied with the results of an informal review, a formal appeal may be filed with the City of Dover Assessor's Office by April 30, 2010.

If you have any questions regarding the revaluation project, please call CLT at:

1-302-736-4927

Tyler | CLT

The City of Dover has hired Tyler Technologies, Inc., CLT Division to conduct the revaluation project. CLT has over 70 years experience. CLT is North America's oldest and largest mass appraisal firm. CLT pioneered Computer Assisted Mass Appraisal (CAMA) in the 1950's and is widely recognized as the industry leader in this field.

CLT has completed over 2,500 projects in 46 states and Canadian provinces appraising over 50,000,000 parcels of real estate and capturing over 6,000,000 property images.

The CLT Team includes expert appraisers, highly skilled computer programmers and analysts experienced in residential, commercial, industrial and agricultural mass appraisal.

Key Revaluation Dates

Data Collection BeginsFeb 2009

Photography BeginsFeb 2009

Valuation Analysis Begins Sept 2009

Notices to Property Owners.....Jan 2010

Informal Value Reviews Jan & Feb 2010

Formal Assessment Appeals..... May 2010

Note: Property Taxes will not be levied on new assessments until the year 2010.

Tyler Technologies/CLT
C/o City of Dover Assessor's Office
P.O. Box 475
Dover, DE 19903

Revaluation Information



General Questions & Answers

City of Dover,
Delaware

Residential Property Record Card - Milford, Delaware

Property Location: 512 Kings Hwy

Account: 1-30-1.19-004.00

Map Block No:

Class: **State Class:** R

Printed: Fri, Mar 21, 2003 **Card 1 of 1**

| Current Owner |
|---|
| French Alvin & Cynthia 512 Kings Hwy Milford De 19963 |

| Previous Owner History | | |
|------------------------|------|------|
| Name | Deed | Date |
| | | |

| Miscellaneous | |
|----------------------|---------|
| Deed Info: | /- R10 |
| Zoning: | |
| Routing No: | 9961 |
| Neighborhd: | 101 |
| Living Units: | 1 |
| Census Trct: | |
| District: | 0 |
| Estimates | |
| MRA: | 201,600 |
| Weighted: | 210,000 |
| Market: | 214,800 |

| Assessment Information | | |
|----------------------------------|---------|---------------|
| Appraised Value: | * | Prior |
| Land: | 56,900 | |
| Building: | 157,900 | |
| Total: | 214,800 | |
| Assessed Information: | | |
| Code: | | Value: |
| Effective DOV: 12/30/1999 | | |
| Value Flag: MARKET VALUE | | |
| Manual Override Reason: | | |

| Notes |
|-------|
| |

| Entrance Information | | | | | |
|----------------------|-------|----|------|---------------|--------|
| Date | Time | ID | Actv | Entrance Code | Source |
| 01/22/2002 | 12:45 | ME | | Ownr Not Hom | Other |
| | | | | Entry/Sig | |
| | | | | Entry/Sig | |

| Sales History | | | | |
|---------------|------|-------|------|----------|
| Book/Page | Date | Price | Type | Validity |
| | | | | |

| Permit Information | | | | |
|--------------------|----------|-------|---------|---------|
| Date | Permit # | Price | Purpose | % Comp. |
| | | | | 0 |
| | | | | 0 |

| Land Information | | | | |
|------------------------------------|------|-------|-----------------------------|--------------------------------|
| Type | Size | Grade | Influence Factor 1, 2 and % | Value |
| Waterfront | S | 38335 | 0 | 56,870 |
| Total Acres for this Parcel | | | 0.88 | Total Land Value 56,900 |

| Out Building Information | | | | | | | | |
|--------------------------------|-----|------|-------|-------|-------|------|-------|-------|
| Type | Qty | Year | Size1 | Size2 | Grade | Cond | %Good | Value |
| | 0 | 0 | 0 | 0 | | | 0% | 0 |
| | 0 | 0 | 0 | 0 | | | 0% | 0 |
| | 0 | 0 | 0 | 0 | | | 0% | 0 |
| | 0 | 0 | 0 | 0 | | | 0% | 0 |
| | 0 | 0 | 0 | 0 | | | 0% | 0 |
| | 0 | 0 | 0 | 0 | | | 0% | 0 |
| | 0 | 0 | 0 | 0 | | | 0% | 0 |
| Total OBY for this card | | | | | | | | 0 |



Commercial Property Record Card - Milford, Delaware

Property Location: Lakeview Ave
 Account: 1-30-3.11-050.00
 Map Block No:
 Class:
 State Class: E
 Printed: Fri, Mar 21, 2003
 Card 1 of 1

| Current Owner |
|--|
| Milford School District Lakeview Ave. Milford De 19963 |

| Previous Owner History | | | |
|------------------------|------|------|--|
| Name | Deed | Date | |
| | | | |

| Miscellaneous | |
|----------------------|---------|
| Deed Info: | /- ·E20 |
| Zoning: | |
| Routing No: | 9902 |
| Neighborhd: | 303 |
| Living Units: | 0 |
| Census Trct: | |
| District: | 0 |

| Assessment Information | |
|----------------------------------|----------------------|
| Cost Estimate: | * |
| Income: | 226,800 |
| Land: | 42,700 |
| Bldg: | 188,900 Prior |
| Total: | 231,600 |
| Assessed Information: | |
| Code: | Value: |
| Effective DOV: 12/30/1999 | |
| Value Flag: COST VALUE | |
| Manual Override Reason: | |

| Notes |
|-------|
| |

| Entrance Information | | | | | |
|----------------------|-------|-----|------|---------------|--------|
| Date | Time | ID | Actv | Entrance Code | Source |
| 02/05/2002 | 11:00 | IDK | | Entry/Sig | Other |
| | | | | Entry/Sig | |
| | | | | Entry/Sig | |

| Sales History | | | | |
|---------------|------|-------|------|----------|
| Book/Page | Date | Price | Type | Validity |
| | | | | |

| Permit Information | | | | |
|--------------------|----------|-------|---------|---------|
| Date | Permit # | Price | Purpose | % Comp. |
| | | | | 0 |
| | | | | 0 |

| Land Information | | | | | |
|------------------------------------|------|-------|-----------------------------|---|--------|
| Type | Size | Grade | Influence Factor 1, 2 and % | | Value |
| Primary | S | 27488 | 0 | 0 | 42,713 |
| Total Acres for this Parcel | | 0.631 | Total Land Value | | 42,700 |

| Owner/Values: Includes all Land/Buildings/OBYs for this Parcel | | | | | |
|--|---------|---------|--------|---------|-------|
| | Current | Cost | Market | Income | Prior |
| Land: | 42,700 | 42,700 | 0 | 42,700 | 0 |
| Building: | 188,900 | 188,900 | 0 | 184,100 | 0 |
| Total: | 231,600 | 231,600 | 0 | 226,800 | 0 |



Commercial Property Record Card - Milford, Delaware

Property Location: Lakeview Ave
 Account: 1-30-3.11-050.00
 Map Block No:
 Class:
 State Class: E
 Printed: Fri, Mar 21, 2003
 Card 1 of 1

Exterior/Interior Information

| Sec | Levels | Size | Perimeter | Use Type | Height | Exterior Walls | Construction Type | Finish | Partitions | Heating | A/C | Plumbing | Physical Condition | Functional Utility | %Good Override | Unadjusted RCNLD |
|-----|--------|--------|-----------|-----------------|--------|----------------|-------------------|--------|------------|---------|---------|----------|--------------------|--------------------|----------------|------------------|
| 1 | 1-1 | 1x5400 | 308 | Office Building | 13 | Conc. Block | Wood Joist | 100 | Normal | Hot Air | Central | Normal | Normal | Normal | 0% | 192,320 |
| 0 | - | 0x0 | 0 | | 0 | | | 0 | | | | | | | 0% | 0 |
| 0 | - | 0x0 | 0 | | 0 | | | 0 | | | | | | | 0% | 0 |
| 0 | - | 0x0 | 0 | | 0 | | | 0 | | | | | | | 0% | 0 |
| 0 | - | 0x0 | 0 | | 0 | | | 0 | | | | | | | 0% | 0 |
| 0 | - | 0x0 | 0 | | 0 | | | 0 | | | | | | | 0% | 0 |
| 0 | - | 0x0 | 0 | | 0 | | | 0 | | | | | | | 0% | 0 |
| 0 | - | 0x0 | 0 | | 0 | | | 0 | | | | | | | 0% | 0 |
| 0 | - | 0x0 | 0 | | 0 | | | 0 | | | | | | | 0% | 0 |

Building Information

Building No: 1
Year Built: 1950
No of Units: 0
Structure Type: Office Building - Low-Rise
Grade: C-
Identical Units: 1
Efficiencies: 0
1 Bedroom Apts: 0
2 Bedroom Apts: 0
3 Bedroom Apts: 0
Covered Park: 0
Uncovered Park: 0
Notes:

Building Summary

Total Unadjusted RCN: 384,640
Average Percent Good: .50
Total Unadjusted RCNLD: 176,930
Grade Factor: 0.92
No of Identical Units: 1
Economic Cond Factor: 1.00
RCNLD: 176,930

Income Approach Summary

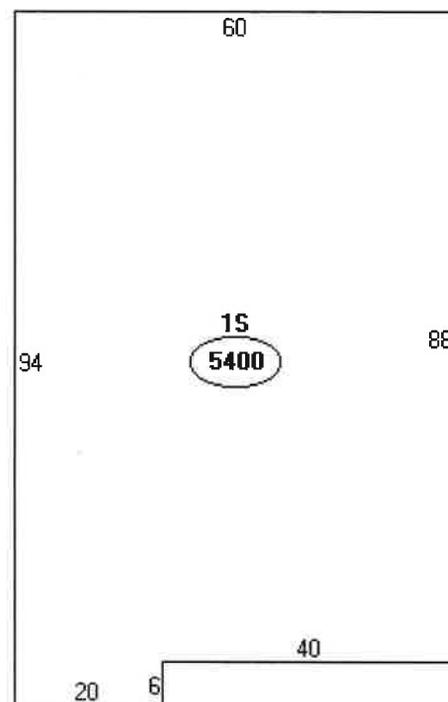
Net Rentable Area: 5,400
Efficiencies: 0
1Br: 0 **2Br:** 0 **3Br:** 0
of Units: 0
PGI: 43,200
EGI: 38,880
Expenses: 11,664
NOI: 27,216
Cap Rate: 12
Residual Land:
Income Ind Value: 226,800

Out Building Information

| StructureCode | +/- | Lgth/ Width | Ident. SqFt | Units | Gr | Physical Condition | Functional Utility | Percent Year | Good | RCNLD |
|-----------------|-----|-------------|-------------|-------|----|--------------------|--------------------|--------------|------|--------|
| Asphalt Parking | 1 | 13000 | 1 | | | Normal | Normal | 1975 | 0% | 11,980 |
| | 0 | 0 | 0 | | | | | 0 | 0% | 0 |
| | 0 | 0 | 0 | | | | | 0 | 0% | 0 |
| | 0 | 0 | 0 | | | | | 0 | 0% | 0 |
| | 0 | 0 | 0 | | | | | 0 | 0% | 0 |
| | 0 | 0 | 0 | | | | | 0 | 0% | 0 |

Building Other Information

| Line | StructureCode | +/- | Measure 1 | Measure 2 | IdenticalUnits |
|----------------------|---------------|-----|-----------|-----------|----------------|
| 0 | | | 0 | 0 | 0 |
| 0 | | | 0 | 0 | 0 |
| 0 | | | 0 | 0 | 0 |
| 0 | | | 0 | 0 | 0 |
| 0 | | | 0 | 0 | 0 |
| 0 | | | 0 | 0 | 0 |
| 0 | | | 0 | 0 | 0 |
| 0 | | | 0 | 0 | 0 |
| 0 | | | 0 | 0 | 0 |
| 0 | | | 0 | 0 | 0 |
| Total Other Features | | | | | 0 |



Descriptor/Area
 A: 1S
 5400 sqft

Cole-Layer-Trumble Co.
C/O City of North Wildwood
REVALUATION PROJECT
P.O Box 177
North Wildwood, NJ 19977

Date: Thursday, September 16, 2010
Property Location: 928 Ash Ave R-22
Parcel ID: 00001 01 00001

Telephone (609)555-0863
Fax (800)654-0757



Orlando, Kenneth John & Jeanne M
185 Sellersville Rd
Chalfont PA 18914

The information below was collected or estimated for your property. Please review the information, making corrections where needed and return the corrected copy to the Colchester Municipal Offices before August 16, 2002. The sketch is based on exterior measurements. Please read the reverse side of this letter for explanations of the terms and data used on the form before making corrections to it. Prompt attention to this form will help insure that your 2001 assessment will be based on the most accurate information possible.

Thank you for attention to this important matter

IF THE INFORMATION IS CORRECT, THERE IS NO NEED TO REPLY

NOTE: When returning, please include a daytime phone number so that we may call you for clarification, if necessary.

| | |
|----------------------|--------------------------------|
| Dwelling Data | Total Living Area: 1853 |
| Style: Condo | Total Rooms: 6 |
| Exterior Wall: Frame | Total Bedrooms: 3 |
| Story Height: 2 | Total Full Baths: 2 |
| Attic: None | Total Half Baths: 1 |
| Basement: Cb_crawl | Rec Room Area: 0 |
| Year Built: 2004 | Finish Basement Living Area: 0 |
| System Type: None | W/D Fireplace Openings: 1 |

Name _____

Daytime Phone _____

Date _____

**City of Camden Revaluation Project
Field I & E Collection Form**

Map _____ Block _____ Lot _____ Qual _____ Routing _____

Property known as: _____

Data Collector: _____ Date: _____

Info regarding or from: _____

Area rented: _____

Rent: Amount _____

Lease term _____

Overage _____

Expenses: Amount _____

Paid by _____

Other _____

Info regarding or from: _____

Area rented: _____

Rent: Amount _____

Lease term _____

Overage _____

Expenses: Amount _____

Paid by _____

Other _____

Info regarding or from: _____

Area rented: _____

Rent: Amount _____

Lease term _____

Overage _____

Expenses: Amount _____

Paid by _____

Other _____

Info regarding or from: _____

Area rented: _____

Rent: Amount _____

Lease term _____

Overage _____

Expenses: Amount _____

Paid by _____

Other _____

Owner 1
Mailing Address
City, State Zip

Dear Property Owner,

The City of Providence Revaluation Project is underway. This is a state mandated project, which requires periodic analysis of properties to determine the fair market value of all property located in the City of Providence. Tyler Technologies| CLT Division, the firm that conducted the full revaluation in 1999 and the statistical revaluation updates in 2003 and 2006, is the same firm that has been retained to conduct this update of assessments effective for a taxable status date of December 31, 2009.

At this time, the Assessor's office is collecting the economic information for all commercial, apartment and industrial property. Completing the enclosed form is critical for analysis of current economic conditions within the City. The analysis of the returns will provide an important basis for the income approach to value. Please note that we are seeking information regarding the income and expense attributable to the rental or leasing of your real estate during the 2008 calendar year. One return is needed for each property you own. If you have the requested information in an alternate format, please attach it to a signed blank form. Returns should be mailed to the address below.

Providence Assessor's Office
Providence City Hall – Room 208
25 Dorrance Street
Providence, RI 02903

Once completed, sign and return to the above address. Please do not include any of your personal financial information.

The information you furnish will be held in strict confidence and is not public record. Failure to respond will require the Company to estimate these figures. Your cooperation is imperative to guarantee equitable assessments.

Please return the questionnaire by: **April 24, 2009**

For additional information contact:
Tyler Technologies | CLT Division
c/o Assessors Office
Providence City Hall
25 Dorrance Street Room 208
Providence, RI 02903
(401) 421-5900 ext 630

or **City of Providence Assessor's Office**
(401) 421-5900 ext 229

2009 Commercial/Industrial Income and Expense Report

Providence City Hall
Tax Assessor –Room 208
25 Dorrance Street
Providence, RI 02903

FILING INSTRUCTIONS

- **Who should file:** All individuals and businesses receiving this form should complete and return it to the City of Providence Assessor's Office. All owners of properties, which are rented or leased, including commercial, retail, industrial and residential properties are asked to complete this Income and Expense Report
- **Owner-occupied properties.** If your property is 100% owner-occupied, you need only return this form indicating that the owner of the real estate and the owner of the business occupying the real estate are exactly the same; and that no lease exists and no rental payments are being made (including payment of the mortgage) by the business occupying the real estate. Real estate occupied by a business and owned by a principal of the business are not owner-occupied properties and must complete the form in full.
- **Owners of multiple properties.** A separate report must be filed for each property in the City of Providence. An income and expense report summary page and the appropriate income schedule must be completed for each rental property.

GENERAL INSTRUCTIONS: All information should be for the calendar year 2009.

- Correct any ownership or property information shown that is incorrect.
- Complete questions 1 through 6
- Complete **Rental Information for 2009** (non-apartment spaces)
- Complete **Apartment Rental Information for 2009**
- Complete **Expense Information for 2009**

Rental Information for 2009 (non-apartment spaces) **INSTRUCTIONS:** provide non-residential rental information. A computer printout is acceptable, providing all the required information is provided.

- **Escalation** is the amount, in dollars, of adjustment to base rent either pre-set or tied to an inflation index. If an option provision or base rent increase provision is in the lease indicate the percentage or increment and time period. **Common Area Maintenance** is income received from charges to tenant for common area maintenance, or other income received from the common area property. **OVERAGE** is an additional fee or rental income usually based on a percent of sales or income.
- **PARKING:** Indicate the number of parking spaces and annual rent for each tenant, include spaces or areas leased or rented to a tenant as a concession.
- **INTERIOR FINISH:** Indicate whether tenant or owner provided interior finish and at what cost.

Apartment Rental Information for 2009 INSTRUCTIONS: provide residential rental information. A computer printout is acceptable providing all the required information is provided.

- Complete and return the form to the **City of Providence Assessor's Office. If you have any questions, please call the Assessor's office at (401) 421-5900 ext. 229 or, Tyler Technologies| CLT Division at (401) 421-5900 ext. 630**

PLEASE RETURN THE INCOME & EXPENSE REPORT ON OR BEFORE May 29, 2009.

Owner Name MARINUCCI, ANTONIO
Mailing Address 167 WALLACE ST

00000180018

City/State/Zip PROVIDENCE, RI 02909-3815

Property Location CORLISS LANDING SLIPS

1 **Primary Use** (Check One) Apartment Office Retail Mixed Use Shopping Center Industrial Other _____

2 Gross Building Area _____ Sq. Ft. 6 Number of Parking Spaces _____
(Including Owner-Occupied Space)
3 Net Leasable Area _____ Sq. Ft. 7 Actual Year Built _____
4 Owner-Occupied Area _____ Sq. Ft. 8 Year Remodeled _____
5 Number of Units _____

INCOME

EXPENSES

9 Apartment Rentals (From Schedule A) _____
10 Office Rentals (From Schedule B) _____
11 Retail Rentals (From Schedule B) _____
12 Mixed Rentals (From Schedule B) _____
13 Shopping Center Rentals (From Schedule B) _____
14 Industrial Rentals (From Schedule B) _____
15 Other Rentals (From Schedule B) _____
16 Parking Rentals _____
17 Other Property Income _____
18 **TOTAL POTENTIAL INCOME** _____
(Add Line 9 through Line 17)
19 Loss Due to Vacancy and Credit _____
20 **EFFECTIVE ANNUAL INCOME** _____
(Line 18 Minus Line 19)

21 Heating/Air Conditioning _____
22 Electricity _____
23 Other Utilities _____
24 Payroll (Except management) _____
25 Supplies _____
26 Management _____
27 Insurance _____
28 Common Area Maintenance _____
29 Leasing Fees/Commissions/Advertising _____
30 Legal and Accounting _____
31 Elevator Maintenance _____
32 Tenant Improvements _____
33 General Repairs _____
34 Other (Specify) _____
35 Other (Specify) _____
36 Other (Specify) _____
37 Security _____
38 **TOTAL EXPENSES** _____
39 **NET OPERATING INCOME** _____
40 Capital Expenses _____
41 Real Estate Taxes _____
42 Mortgage Payment (Principal & Interest) _____

COPY AND ATTACH IF ADDITIONAL PAGES ARE NEEDED

VERIFICATION OF PURCHASE PRICE

Purchase Price: \$ _____ Down Payment: \$ _____ Date of Purchase: _____

Date of Last Appraisal: _____ Appraisal Firm: _____ Appraised Value: \$ _____

| | | | | | |
|-------------------|----------|------------------------|------------------------------------|--------------------------------|-----------------------------------|
| First Mortgage: | \$ _____ | Interest Rate: _____ % | Payment Schedule Term: _____ Years | <input type="checkbox"/> Fixed | <input type="checkbox"/> Variable |
| Second Mortgage: | \$ _____ | Interest Rate: _____ % | Payment Schedule Term: _____ Years | <input type="checkbox"/> Fixed | <input type="checkbox"/> Variable |
| Other: | \$ _____ | Interest Rate: _____ % | Payment Schedule Term: _____ Years | <input type="checkbox"/> Fixed | <input type="checkbox"/> Variable |
| Chattel Mortgage: | \$ _____ | Interest Rate: _____ % | Payment Schedule Term: _____ Years | <input type="checkbox"/> Fixed | <input type="checkbox"/> Variable |

Did the purchase price include a payment for: Furniture? \$ _____ (Value) Equipment? \$ _____ (Value) Other? \$ _____ (Value)

Has the property been listed for sale since your purchase? Yes No

If Yes, list the asking price: \$ _____ Date Listed: _____ Broker: _____

Remarks – Please explain any special circumstances or reasons concerning your purchase (i.e. vacancy, conditions of sale, etc):

I DO HEREBY DECLARE UNDER PENALTIES OF FALSE STATEMENT THAT THE FOREGOING INFORMATION, ACCORDING TO THE BEST OF MY KNOWLEDGE, REMEMBRANCE AND BELIEF, IS A COMPLETE AND TRUE STATEMENT OF ALL THE INCOME AND EXPENSES ATTRIBUTABLE TO THE ABOVE IDENTIFIED PROPERTY.

Signature: _____ Name (Print): _____ Date: _____

Title: _____ Telephone: _____ Email: _____

A PROPOSAL FOR:

The City of Milford, Delaware: *Revaluation Services for the 2012
Assessment for the City of Milford*



Certified Public Accountants

Member Firm Private Companies Practice Section
AICPA Division for CPA Firms

BECK, VILLATA & CO., P.C.
www.beckvillata.com

Frank C. Beck, CPA/ABV
Vincent P. Villata, Jr., CPA
Robert K. Griffin, CPA

June 10, 2011

Milford City Council
City of Milford, DE
201 S. Walnut Street
Milford, DE 19963

We appreciate the opportunity to present this audit engagement proposal to the City of Milford, DE for the fiscal year ending June 30, 2011 and thereafter. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units (if applicable), each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of City of Milford, DE as of and for the year ending June 30, 2011, and for each of the succeeding fiscal years June 30, 2012 and 2013. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Milford, DE's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Milford, DE's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Budgetary Comparison Schedule.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to above when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of City of Milford, DE and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and compliance will include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity and specific legislative or regulatory bodies and is not intended to be and should not be used by anyone other than these specified parties. If during our audit we become aware that City of Milford, DE is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

28 West Grand Avenue, Suite 11
Montvale, New Jersey 07645
Tel. 201 391-6644
Fax. 201 391-4838

6181 Miami Lakes Drive East
Miami Lakes, Florida 33014
Tel. 305 231-0911
Fax. 305 231-8838

1930 E. Marlton Pike, Suite Q-40
Cherry Hill, NJ 08003
Tel. 856 489-4034
Fax. 856 424-7112

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Milford, DE and the respective changes in financial position and cash flows, where applicable, in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for ensuring that management and financial information is reliable and properly recorded. Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report. You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of any audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or

governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Milford, DE's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will assist in the preparation of any cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the city; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Beck, Villata & Co., P.C. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to the State of Delaware or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Beck, Villata & Co., P.C.

personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the State of Delaware. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We would expect to begin our audit at a time mutually agreed to with the City's Director of Finance and to issue our reports no later than October 28, 2011. Robert K. Griffin, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services for each of the three fiscal years ending June 30, 2011, 2012 and 2013 is agreed to be \$45,000 plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, etc.). The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances (including if the City is subject to the requirements of OMB Circular A-133) will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2009 peer review report accompanies this letter.

We appreciate the opportunity to be of service to City of Milford, DE and believe this letter accurately summarizes the significant terms of our proposed engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign below and return it to us.

Very truly yours,

Beck Villata & Co PC

Beck, Villata & Co., P.C.

RESPONSE:

This letter correctly sets forth the understanding of City of Milford, DE.

Signature

Title

Date

HULSE & ASSOCIATES, P.C.

Certified Public Accountants

350 PASSAIC AVENUE

FAIRFIELD, NJ 07004

973-882-5690 FAX 973-882-9660

email: dejhul@msn.com

System Review Report

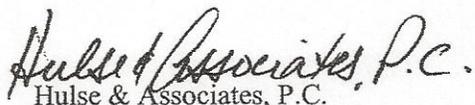
July 28, 2009

To the Partners
Beck, Villata & Co., P.C.
and the Peer Review Committee of the NJSCPA

We have reviewed the system of quality control for the accounting and auditing practice of Beck, Villata & Co., P.C. (the firm) in effect for the year ended January 31, 2009. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included an audit of an employee benefit plan.

In our opinion, the system of quality control for the accounting and auditing practice of Beck, Villata & Co., P.C. in effect for the year ended January 31, 2009, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Beck, Villata & Co., P.C. has received a peer review rating of *pass*.


Hulse & Associates, P.C.

— MEMBER —

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS • NEW JERSEY SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

PUBLIC NOTICE

Notice is hereby given the following ordinance is under review by the Milford Planning Commission and Milford City Council for adoption as so noted:

City of Milford ORDINANCE NO. 2011-15

AMENDING AND ADOPTING BY ORDINANCE

THE 2008 CITY OF MILFORD COMPREHENSIVE PLAN BY INCLUDING THE SE MASTER PLAN

WHEREAS, Title 22, Section 702 of the Delaware Code, the Livable Delaware program of the Governor of the State of Delaware and House Bill 255 amending Title 9, Title 22 and Title 29 of the Delaware Code authorize Delaware municipalities to carefully prepare and adopt Comprehensive Land Use Plans to guide and regulate future growth and community development, and

WHEREAS, Delaware's Office of State Planning Coordination provides guidance to municipalities in order to effectuate the goal of having well-drawn and executed Comprehensive Plans for all Delaware counties and municipalities, including the provision that Comprehensive Plans be approved and certified by the Governor of Delaware upon their completion, and further requires that certified Comprehensive Plans be revised on a five-year cycle, and

WHEREAS, the City of Milford's Comprehensive Plan was last adopted in 2009, and requires revisions to account for physical changes and potential growth in the Southeast Planning Area which have occurred in both the built and natural environments of the community; and

WHEREAS, the City of Milford Planning Commission has prepared and approved, in consultation with the public, interested parties, and government agencies, a Southeast Master Plan for the City of Milford, which articulates an overall vision for the Southeast Planning neighborhood's future, including policies and action project recommendations for achieving that vision and has conducted a duly advertised public hearing for public review and comment on June 20, 2011 and, at its meeting on June 21, 2011 did recommend approval and adoption of the Amended 2008 City of Milford Comprehensive Plan to include the Southeast Master Plan by Milford City Council.

WHEREAS, the Amended 2008 City of Milford Comprehensive Plan will be the foundation for planning and development in the Southeast Planning Area;

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the Southeast Milford Master Plan on July 11, 2011, at which time the Amended 2008 City of Milford Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the Amended 2008 City of Milford Comprehensive Plan is hereby adopted and made effective as the Comprehensive Plan for Milford on this 11th day of July 2011.

Dates:

Introduction to City Council: July 27, 2011

Planning Commission Review and Recommendation: June 21, 2011

City Council Review and Adoption: July 11, 2011



MILFORD COMMUNITY PARADES, INC.
P.O. Box 1153 **Milford, DE 19963**

June 11, 2011

City of Milford
Mayor
City Council
Walnut St
Milford, DE 19963

Dear Mayor and City Council:

On behalf of Milford Community Parades, Inc., I request the Council's approval of our Committee's community parade to be held Wednesday evening, October 19, 2011, with a kick-off time of 6:30pm and a conclusion time of 9:00pm and three reviewing stands. I also request on behalf of the Committee, a financial contribution in the form of sponsorship and the opportunity to raise additional funds from the citizens through the utilities billing for two cycles.

We have begun to establish our parade as a celebration of the Autumn Season with color, lights and the many whimsical characters. The Committee works throughout the year to prepare through meetings, fundraisers, and float building. We have set a progressive agenda to gain more sponsorships, more extravagant float designs from outside participants and to promote the City of Milford as a community full of great architecture, unique shopping experiences, beautiful people and a place to live, play, and work in.

Since 1984, I and other current committee members have strived to develop a parade in the city for the citizens and surrounding communities, full of exciting characters and wonderful musical sounds. We also request the city make an annual investment/sponsorship of \$5,000 towards the Committee's parade goals. Our Committee is incorporated for the sole purpose of raising funds and organizing the annual parade. No one is paid a salary or wage and no one receives a stipend for their volunteer efforts. The investment will be ear-marked for the sole purpose of promoting the parade through broadcast medias, (taping and/or advertisements). WE would also include the City as the Presenting Sponsor for the Philadelphia String Band to be featured. Together, the City of Milford AND Milford Community Parades, Inc. can enhance our reach in promoting the City of Milford as THE place for business to thrive, citizens to be employed, and families to enjoy living.

Thank you for your consideration,


Charles Gray
2011 Chairperson

CITY OF MILFORD ORDINANCE 2011-16

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2011-16

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8 and Ordinance 2010-16 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010 and 2011 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional twelve months the waiver of sewer impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by extending the deadline from June 30, 2011 to June 30, 2012 as follows:

§185-24 D. The sewer impact fee described in §185-24C shall be waived for all permits issued between June 3, 2010 and ~~June 30, 2011~~ June 30, 2012. The waiver shall be for a maximum of 5 EDUs per project. The City will continue to collect the impact fee charged by Kent County during this period.

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(1) shall remain in effect until the extended deadline of ~~June 30, 2011~~ June 30, 2012.

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

| | |
|---------------------------|-----------|
| Single Family Residential | 6 Months |
| Multi Family Residential | 12 Months |
| Commercial | 12 Months |

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction to City Council—June 13, 2011

Projected Adoption by City Council—June 27, 2011

Projected Effective Date—July 7, 2011 - June 30, 2012

Complete copies of the City of Milford Code are available for review at the City Clerk's Office at Milford City Hall, 201 South Walnut Street, Milford, Delaware or on the website cityofmilford.com

By: Terri K. Hudson, CMC
City Clerk

CITY OF MILFORD ORDINANCE 2011-17

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2011-17

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9 and 2010-17 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010 and 2010 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional twelve months the waiver of water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by extending the deadline from June 30, 2011 to June 30, 2012 as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued between June 3, 2010 and ~~June 30, 2011~~ June 30, 2012. The waiver shall be for a maximum of 5 EDUs per project.

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect until the extended deadline of ~~June 30, 2011~~ June 30, 2012.

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

| | |
|---------------------------|-----------|
| Single Family Residential | 6 Months |
| Multi Family Residential | 12 Months |
| Commercial | 12 Months |

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction to City Council—June 13, 2011

Projected Adoption by City Council—June 27, 2011

Projected Effective Date—July 7, 2011 - June 30, 2012

Complete copies of the City of Milford Code are available for review at the City Clerk's Office at Milford City Hall, 201 South Walnut Street, Milford, Delaware or on the website cityofmilford.com

By: Terri K. Hudson, CMC
City Clerk

CITY OF MILFORD ORDINANCE 2011-18

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2011-18

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10 and Ordinance 2010-18 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010 and 2011 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 119 of the Code of the City of Milford, entitled Electrical Standards, shall be amended by extending the deadline for the waiver of Electric Impact Fees as follows:

The electric impact fee established under this Chapter shall be waived for all permits issued between June 3, 2010 and ~~June 30, 2011~~ June 30, 2012.

Section 2. The following sections of Chapter 119 of the Code of the City of Milford shall remain in effect until the extended deadline of ~~June 30, 2011~~ June 30, 2012:

To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

| | |
|---------------------------|-----------|
| Single Family Residential | 6 Months |
| Multi Family Residential | 12 Months |
| Commercial | 12 Months |

Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction to City Council—June 13, 2011

Projected Adoption by City Council—June 27, 2011

Projected Effective Date—July 7, 2011 - June 30, 2012

Complete copies of the City of Milford Code are available for review at the City Clerk's Office at Milford City Hall, 201 South Walnut Street, Milford, Delaware or on the website cityofmilford.com

By: Terri K. Hudson, CMC
City Clerk

CITY OF MILFORD ORDINANCE 2011-19

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2011-19

WHEREAS, the City desires to encourage the building of residential and commercial structures within the City limits; and,

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent employment, expands the City's tax base, and increases the use of City utilities; and

WHEREAS, on May 24, 2010, Milford City Council enacted Ordinance 2010-7 which initially provided a one year tax exemption for improvements on any property located within the City of Milford; and

WHEREAS, an additional one year extension represents the City of Milford is doing all it can to help stimulate an economic recovery.

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 204 of the Code of the City of Milford, entitled Taxation, is hereby amended to include a new Article to read as follows:

ARTICLE II—EXEMPTION OF NEW IMPROVEMENTS ADDED TO PROPERTY

§204-6 Eligibility for new improvement exemption of real property taxes.

The exemption shall apply to any improvement to any property (residential, commercial, industrial, etc.) located within the City limits that results in an increase in the improvement assessment as contained in the City's General Assessment Records. The building permit for the said improvements must be submitted to the City prior to June 30, 2012. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this Article.

§204-7 Amount of the exemption.

The amount of the exemption shall be determined by subtracting the improvement assessment value prior to the new construction from the improvement assessment value following the new construction.

§204-8 Application of the exemption and limitations.

The dollar amount of the exemption shall be multiplied by the property tax rate in the first full tax year following the issuance of a certificate of occupancy by the City. The dollar amount of the exemption shall be limited to a maximum of \$1,000 for residential properties and limited to a maximum of \$5,000 for all other properties. The exemption shall only be good for one year immediately following the issuance of a certificate of occupancy.

§204-9 Appeals.

An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.

§204-10 Due Date for Payment of Property Taxes.

Property Taxes shall be payable on or before September 30th of each year.

§204-11 Penalties.

To every tax not paid after the said date established in §204-10, there shall be added and collected a penalty, for each month that the said tax remains unpaid. A penalty of one percent per month, or fraction thereof, shall be charged on all unpaid property taxes. City Council, by resolution, may impose a date later than that established in §204-10 for the additional and collection of penalties.

Section 2. Dates

Introduction to City Council 06-13-11

Projected Adoption by City Council 06-27-11

Projected Effective Dates—July 7, 2011 - June 30, 2012

A complete copy of the Code of the City of Milford is available for review through the City Clerk's Office by calling 302-424-3712 or by accessing the website cityofmilford.com



**LANDSCAPE
ARCHITECTURAL
SERVICES, L.L.C.**

Matthew T. Spong, R.L.A., ASLA
Trisha Sawicki, ASLA

City of Milford
201 South Walnut Street
Milford, DE 19963
Attn: Mr. Gary Emory Director of Parks & Recreation

June 10, 2011

This agreement entered into this 10th day of June, 2011, by and between the City of Milford (hereinafter called the Owner) and Landscape Architectural Services, LLC (hereinafter called the Landscape Architect), the Owner does hereby request the Landscape Architect to provide professional design service for the streetscape renovations on North & South Walnut St., Between North East Front St. and City Hall and North West Front Street Church to Walnut St. & North East Front Street Walnut to Washington St. The professional services of the Landscape Architect shall be:

1. Prepare a final plan depicting the areas for removing or relocating some existing trees, planting new trees, adding tree grates, benches, and minor brick walk revisions.
2. Prepare a revised cost estimate.
3. Meet with the City of Milford and D.M.I. Representatives to review final plans and receive comments.
4. Based on comments received, revise the final plan into a set of construction documents to include:
5. **Location and dimension Plan:** Location and dimension of all proposed features with respect to the site bench mark.
6. **Construction plans, details and Specification:** Detailed sections of brick paving, site furnishings and landscaping. The specifications will also include all the necessary State of Delaware requirements for competitive bidding for State funded projects, and all the necessary information for approval by funding agencies, the Architectural and Accessibility and the Kent Conservation District for sediment and erosion control.. The specifications will also contain bid forms and unit prices for potential change orders to ensure fair pricing form the contractors, should change orders become necessary during the project.
7. Meet with the Owners representatives to review final construction documents.
8. Assist the Owner with the preparation of bid advertisement. Conducting pre-bid meeting reviewing bids received and recommending contract award.

P.O. Box 293, Dover, DE 19903
e-mail: matt@las-llc.net

phone: 302-284-4578 fax: 302-284-0301
website: www.las-llc.net

City of Milford
 Attn: Mr. Gary Emory, Director Parks & Recreation Dept.
 Streetscape renovations
 6/10/11
 Page 2 of 5

NOTE: The owner will supply at his own expense all the necessary property lines, building plans, utilities, right-of-ways, topography and other pertinent, plan metric information applicable to the designated area to be improved in a digital format compatible with AutoCAD Release 2010.

Compensation – the Landscape Architect shall be compensated by the Owner for the above services according to the following fee:

1. Preparing final plans, cost estimates and meetings.
 2. Construction documents & permitting
 3. Assist with bidding, preparing addenda, bid award.
- Total fee thirteen thousand nine hundred five dollars and 60 cents. (\$13,905.60) plus reimbursable expenses.

| Classification | Man Hours | Rate | Amount |
|--|------------------|-------------|---------------|
| Principal Registered Landscape Architect | 68 | \$40 | 2,720. |
| Landscape Architectural Designer/Associate | 60 | 35. | 2,100. |
| AutoCAD design technician | 24 | 22 | 528. |
| Secretarial | 16 | 20 | 320. |
| Sub-Total, Payroll Cost | | | \$5668. |

Payroll Burden & Overhead Cost:

123% of payroll (\$5668.) $\$5668. \times 123\% = \6971.64

Fixed Fee:

10% of payroll & Payroll Burden, $\$5688. + \$6971.64 = \$12,659.64 \times 10\% = \1265.96

TOTAL FEE items 1-8\$13,905.60

Reimbursable Expenses - for other items above direct expenses.

1. Blueprints at \$3.50 each for 24" X 36" size.
2. Outside consultants fees, plus 10% coordination fee, for electrical or structural engineering consultants as needed and approved by the Owner.
3. Postage.
4. Copies of specifications.
5. Permitting fees (for Sediment & Erosion Control .)
6. 3-D graphic model preparation or extensive site graphic displays.
7. Additional survey data if required for topography, as-built conditions.

City of Milford
Attn: Mr. Gary Emory, Director, Parks & Recreation Dept.
Streetscape Renovations
6/10/11
Page 3 of 5

Supplemental Services shall be based on a time and expenses basis as follows:
(includes all costs) according to the following rates.

| | |
|--|----------------|
| Principal Registered Landscape Architect | \$98. per hour |
| Landscape Architectural Designer Associate Principal | 85. per hour |
| AutoCAD Design Technician | 55. per hour |
| Secretarial | 45. per hour |

Supplemental Services may include but not be limited to:

1. Major revisions of approved final plan.
2. Additional services not envisioned in the original scope of work (i.e. irrigation system, electrical engineering, etc.)
3. Design construction documents for an area other than the project area.
4. Providing contract administration, observation of the work in progress, attending construction progress meetings, reviewing contractor submittals, etc.

Broken Agreement – this agreement may be broken at any time by the Owner or the Landscape Architect by giving a 10-day written notice. Upon termination at the Engineers request payment to the Landscape Architect shall be determined by the percentage of work completed in accordance with this agreement. This agreement unless terminated by written notice shall be terminated by the final payment for the finished work.

Payment Schedule – The Owner agrees to pay all invoices within 15-days of receipt of invoice and 1 ½% service charge per month for all accounts not paid within 45-days or more. Final signed and sealed landscape plans or construction documents will not be submitted to regulatory agencies until all invoices are paid in full.

Ownership of documents – All original drawings and AutoCAD files shall remain the property of Landscape Architectural Services, LLC blueprints and AutoCAD files shall be made available to the Owner with the understanding that the Owner will not modify or use these files for this or other projects without Landscape Architectural Services, LLC written authorization. In the event of default or termination of this contract, the Owner shall be entitled to use information contained on the drawings or AutoCAD files only when fees for same have been paid for in full.

Additional Provisions – if the services covered by this agreement have not been completed within twelve (12) months of the date of this agreement, through no-fault of the Landscape Architect, extension of the landscape architectural services beyond that time shall be subject to re-negotiation, based on the current fee schedule.

City of Milford

Attn: Mr. Gary Emory, Director, Parks & Recreation Dept.

Streetscape Renovations

6/10/11

Page 4 of 5

Attorneys' fees - if any action is brought by Landscape Architectural Services, LLC against the Client the prevailing party shall be entitled to recover from the other party reasonable attorneys' fees, cost and expenses incurred in connection with the prosecution or defense of such action.

Arbitration Agreement - all claims, disputes and other matters or questions arising out of or relating to this agreement shall be decided by arbitration in accordance with the Superior Court of Delaware's rules regarding arbitration of disputes. This agreement to arbitration will be specifically enforceable under the prevailing arbitration law. The award rendered by the arbitrator shall be final and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof. The prevailing party in any such arbitration shall be entitled to attorneys' fees and costs.

This agreement may be executed in separate counterparts, none of which need contain the signatures of all parties, each of which is deemed to be an original and all of which taken together constitute one and the same instrument.

Complete Agreement – This agreement sets forth the entire understanding between the parties hereto and supersedes all prior agreements, arrangements and communications, whether oral or written, with respect to the subject matter hereof. Each Supplemental service, except as its terms otherwise expressly provided, shall be complete statement of its subject matter and shall supplement and modify the term and conditions of this agreement and only be valid if executed by both parties. No other agreements, representations, warranties or other matters, whether oral or written, shall be deemed to bind the parties hereto with respect to the subject mater hereof.

Governing Law and Jurisdiction – this agreement shall be governed by and constructed in accordance with the laws of the State of Delaware. With respect to any litigation arising out of or relation to this agreement each party agrees that it shall be heard by the state or federal courts with jurisdiction to hearing such suites located in the State of Delaware, and each party irrevocably consents to jurisdiction and venue in such courts. Should payment of any invoice not be made within 45-days of invoice, the Owner agrees to pay all reasonable collection expenses including attorneys' fees, curt costs and other reasonable expenses.

Irrespective of any other term in this agreement, the Landscape Architect shall not control or be responsible for construction means, methods, techniques, schedules, sequences or procedures; or for construction safety or any other related programs; or for another parties' errors or omissions or for another parties' failure to complete their work or services in accordance with Landscape Architectural Services, LLC documents.

City of Milford

Attn: Mr. Gary Emory, Director, Parks & Recreation Dept.

Streetscape Renovations

6/10/11

Page 5 of 5

The Owner agrees to indemnify, defend and hold the Landscape Architect harmless from and against any and all claims, liabilities, suites, demands, losses, costs and expenses, including but not limited to, reasonable attorneys' fees and all legal expenses and fees incurred through appeal, and all interest hereon, accruing or resulting to any and all persons, firms or any other legal entities on account of any damages or losses to property or persons, including injuries or death, or economic losses, arising out of the project and /or this agreement, except that the Landscape Architect shall not be entitled to be indemnified to the extent such damages or losses are found by a court or forum of competent jurisdiction to be caused by the Landscape Architects negligent errors or omissions.

Acceptance – The terms and conditions outlined above are accepted and Landscape Architectural Services, LLC is hereby authorized to proceed with the work. Please sign and return one copy. This agreement may be withdrawn by the Landscape Architect if not accepted by the Owner within 30 days of the date of this agreement.

Date -----

City of Milford

By: _____
Printed name and title



Matthew T. Spong, R.L.A., A.S.L.A., Principal

X.C. Mr. David W. Baird, City Manager
Dr. Mitchell Edmondson, Chair, Design Committee D.M.I.

Chapter 57-Planning Commission

§57-1. Establishment.

There is hereby established, pursuant to 22 Del. C. § 701 et seq., the Milford Planning Commission.

§57-2. Membership; term of office.

The Commission shall consist of nine members to be appointed by the Council. The term of each member so appointed and confirmed shall be for three years, except that of the members first appointed, three shall be appointed to a term of three years, three shall be appointed to a term of two years and three shall be appointed to a term of one year.

§57-3. Removal; vacancies

Any member of the Planning Commission may be removed for cause, after a public hearing, by the Mayor with the approval of the City Council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment.

AMOUNT: \$3400.00

From Acct #: 101-1810-431-70.42 (Capital Vehicle)

To Acct #: 101-1810-431-70.42 (Capital Equipment)

**JOHNSON ELECTRICAL
CONSTRUCTION, INC.**
P.O. Box 452
Smyrna, DE 19977

Invoice

| DATE | INVOICE # |
|-----------|-----------|
| 6/23/2011 | 23505 |

| |
|---|
| BILL TO |
| Attn: Christie City of Milford 180 Vickers Dr. Milford, DE 19963 |

| P.O. NO. | TERMS | DUE DATE |
|----------|----------------|-----------|
| | Due on receipt | 6/23/2011 |

| DESCRIPTION | AMOUNT |
|--|-------------------|
| One (1) SP12B 12' Pro-Tech Sno Pusher - includes freight Per Tim Webb | 3,400.00 |
| Total | \$3,400.00 |

CITY OF MILFORD CHARTER

2.07- Council Districts; Adjustment of Districts

(a) Number of Districts. There shall initially be four City Council districts to be known as Wards.

(b) Districting Commission. The City Council shall comprise the districting commission.

(c) Report; Specifications. By the first day of January of the second year following the decennial census, the districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the Council district boundaries to comply with these specifications:

(1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets or other natural boundaries or survey lines as required.

(2) Each district shall contain as nearly as possible the same number of qualified voters and Districts shall not differ in population by more than ten (10) percent of the population in the smallest district created. The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the Clerk, the report shall be treated as an ordinance introduced by a Council member.

(d) Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that the summary, including both the map and descriptions of the recommended districts, must be published in two newspapers of general circulation in the City of Milford, no less than one month prior to its adoption.

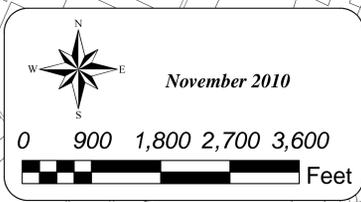
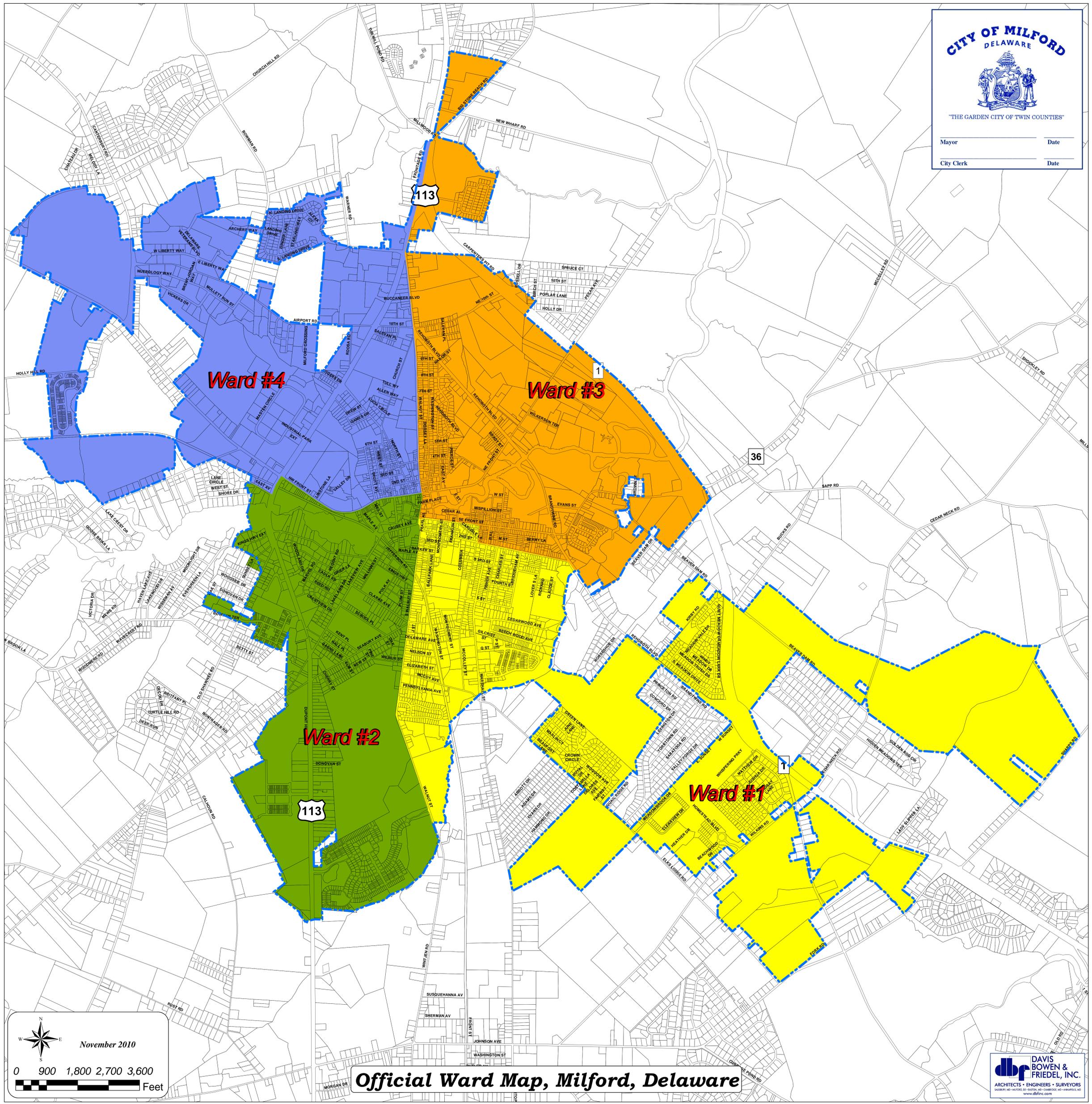
(e) The Commission may, but is not required to, establish five Wards instead of four, with two Councilpersons to be elected from each Ward.

(f) Enact Ordinance. The Council shall adopt the ordinance at least six months before the next regular City election.

(g) Effect of Enactment. The new Council districts and boundaries, as of the date of enactment, shall supersede previous Council districts and boundaries for all the purposes of the next regular City election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all Councilpersons elected at the regular City election take office.



Mayor _____ Date _____
City Clerk _____ Date _____



Official Ward Map, Milford, Delaware



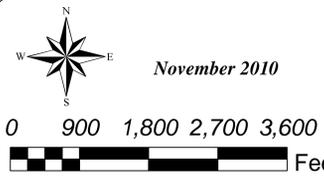
Mayor _____ Date _____
City Clerk _____ Date _____

Ward #4
2,418 Persons

Ward #3
2,368 Persons

Ward #2
2,331 Persons

Ward #1
2,442 Persons



November 2010

Ward Map, Milford, Delaware