SCTP No.: 3-35 12.00 2.00 p/o

Prepared by: Mitchell's Corner LLC c/o Morris James LLP 107 W. Market Street Georgetown, DE 19947

Return to:

State of Delaware Department of Transportation Real Estate Section 800 Bay Road, Box 778 Dover, Delaware 19903

#### PERMANENT EASEMENT AGREEMENT

This Permanent Easement Agreement ("<u>Agreement</u>") is made and entered into this \_\_\_\_\_\_ day of \_\_\_\_\_\_ 2024, by and between SUSSEX COUNTY, a political subdivision of the State of Delaware, THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES, a chartered utilities board of the State of Delaware, and the CITY OF LEWES, a municipal corporation of the State of Delaware (collectively hereinafter referred to as the "<u>GRANTOR</u>"), and THE STATE OF DELAWARE, acting by and through the DEPARTMENT OF TRANSPORTATION, with an address of 800 Bay Road, Box 778, Dover, Delaware 19903, (hereinafter referred to as "<u>DELDOT</u>" or "<u>GRANTEE</u>").

WHEREAS, the GRANTOR is the legal and equitable owner of all that certain tract, piece, or parcel of real property, consisting of 36.75± Acres, situated on the northwesterly line of Kings Highway (SCR 268), and being located in Lewes and Rehoboth Hundred, Sussex County and the State of Delaware, as more particularly described in that certain Deed of record in the Office of the Recorder of Deeds in and for Sussex County, Georgetown, Delaware, in Deed Book 5364, Page 95 (hereinafter referred to as the "Property"); and

WHEREAS, the GRANTEE is desirous of obtaining a permanent easement over, under, and across part of the Property described hereinafter.

NOW THEREFORE for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the GRANTOR does by these presents, grant, bargain, sell, convey, and confirm unto the GRANTEE and/or its successors, assigns and contractors, a Non-exclusive, Permanent Easement in connection with the road improvements to be made to Kings Highway (SCR 268), for any and all highway related purposes ("Facilities") including drainage improvements, grading and the right of DELDOT to grant a public utility a franchise, permit or easement to install and maintain its facilities in, over or across said lands and premises, being more particularly described as follows:

BEING all that strip or piece of land, hereinafter described, situate, lying and being on the northwesterly side of Kings Highway (SCR 268) and the northerly side of Clay Road (SCR 269),

and being located in the Lewes & Rehoboth Hundred, Sussex County, Delaware; said strip or piece of land being a 16 foot wide Permanent Easement as shown on an exhibit titled "Kings Highway (SCR 268), Mitchell's Corner, Easement Exhibit" prepared by Davis, Bowen & Friedel, Inc., dated December, 2023; attached hereto as Exhibit A, said strip or piece of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northwesterly right-of-way line of said Kings Highway with the northerly right-of-way line of said Clay Road, thence,

- 1) leaving said Kings Highway and running by and with said Clay Road, South 56 degrees 24 minutes 47 seconds West 26.38 feet to a point, thence,
- 2) leaving said Clay Road and running through the lands of, now or formerly, Sussex County, The Board of Public Works of the City of Lewes, and the City of Lewes, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 5364, Page 95, the following three courses and distances, by and with the arc of a curve deflecting to the right having an arc length of 184.66 feet, a radius of 4,347.52 feet and a chord bearing and distance of North 20 degrees 09 minutes 27 seconds East 184.64 feet to a point, thence running,
- 3) North 21 degrees 22 minutes 32 seconds East 265.97 feet to a point, thence running,
- 4) North 21 degrees 27 minutes 38 seconds East 6.03 feet to a point on the southwesterly line of the lands of, now or formerly, City of Lewes, as recorded in said Office of the Recorder of Deeds in Deed Book 447, Page 58, thence,
- 5) running by and with said City of Lewes lands, South 47 degrees 55 minutes 06 seconds East 17.10 feet to a point on the aforesaid northwesterly right-of-way line of Kings Highway, thence,
- 6) leaving said City of Lewes lands and running by and with said Kings Highway the following two courses and distances, South 21 degrees 22 minutes 32 seconds West 265.96 feet to a point, thence running,
- 7) by and with the arc of a curve deflecting to the left having an arc length of 163.04 feet, a radius of 4,327.18 feet and a chord bearing and distance of South 20 degrees 17 minutes 46 seconds West 163.03 feet to the point and place of beginning;

CONTAINING 7,086 square feet of land, more or less (the "Easement Area").

FURTHER, the Grantor shall not use the Easement Area in any way that will interfere with or be detrimental to the present or future use of the Easement Area by the Grantee, subject to the Grantor's rights under that certain Utility Easement and Maintenance Agreement dated November

30, 2020 and recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, at Deed Book 5364, Page 100.

FURTHER, the Grantee, its successors and assigns, covenants and agrees to provide for the maintenance of all of the Facilities in the permanent Easement Area to ensure that the Facilities are and remain in proper working condition, in accordance with the approved plans for Kings Highway and all applicable standards, rules, regulations and laws. After completion of any work in the permanent Easement Area, Grantee shall restore the surface of the area affected. Grantor, its successors and assigns, shall perform necessary grass cutting, trash removal and other routine aesthetic maintenance of the permanent Easement Area.

FURTHER, DELDOT shall be granted unconditional access to the permanent Easement Area in order to perform emergency maintenance procedures as DELDOT, in its sole discretion, shall deem necessary and/or appropriate.

FURTHER, should this easement ever be abandoned by the Grantee and DelDOT, inclusive, or by mutual agreement, then this easement shall terminate, be null and void, and will no longer encumber the Easement Area, and such action shall be evidenced by a recorded release and termination of this Agreement by DelDOT.

BEING over and through a portion of the same lands conveyed to Sussex County, a political subdivision of the State of Delaware, The Board of Public Works of the City of Lewes, and City of Lewes, a municipal corporation of the State of Delaware, by deed of J.G. Townsend, Jr. & Co., dated November 30, 2020 and recorded December 3, 2020 in the Office of the Recorder of Deeds in and for Sussex County, Georgetown, Delaware in Deed Book 5364, Page 95.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the said Sussex County, a political subdivision of the State of Delaware has caused its name to be hereunto set under seal, on the day and year aforesaid.

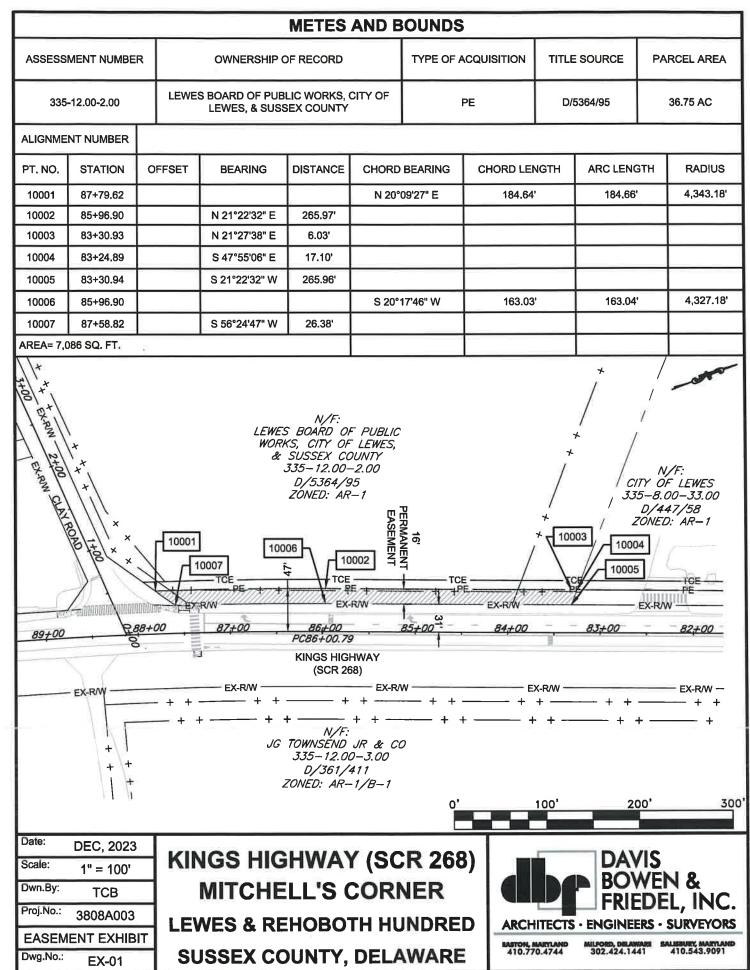
Signed, sealed, and delivered in the presence of:	GRANTOR: SUSSEX COUNTY.	a political subdivision of the
	State of Delaware	
	By: Michael H. Vi	(SEAL) ncent, President
STATE OF DELAWARE	: : ss.	
COUNTY OF SUSSEX	:	
me, the subscriber, a Notary Public Michael H. Vincent, the President of Delaware, party of this instrume foregoing instrument to be his act at the signature of the President is it sealing, acknowledging and delive of the Council of Sussex County.  GIVEN under my hand and	of Sussex County Council, a poent, known to me personally to be and deed, and the act and deed of n his own property handwriting	olitical subdivision of the State be such, and acknowledged the said political subdivision; that g; and that the act of signing, t duly authorized by resolution
	NOTARY PUBLIC	
	Name Typewritten or My Commission Expi	

IN WITNESS WHEREOF, the said City of Lewes, a municipal corporation of the State of Delaware has caused its name to be hereunto set under seal, on the day and year aforesaid.

	GRANTOR:
	CITY OF LEWES, a municipal corporation of the State of Delaware
	By:(SEAL) Andrew Williams, Mayor
	Attest: Timothy A. Ritzert, Secretary
STATE OF DELAWARE : : : : : : : : : : : : : : : : : : :	ss.
me, the subscriber, a Notary Public in a Andrew Williams, the Mayor of the Delaware, party of this instrument, kn foregoing instrument to be his act and that the signature of the Mayor is in h	on this day of, 2024, before and for the State and County aforesaid, personally appeared City of Lewes, a municipal corporation of the State of own to me personally to be such, and acknowledged the deed, and the act and deed of said municipal corporation; its own property handwriting; and that the act of signing the said instrument was first duly authorized by resolutional corporation.
GIVEN under my hand and sea	l, the day and year aforesaid.
	NOTARY PUBLIC
	Name Typewritten or Printed My Commission Expires:

IN WITNESS WHEREOF, the said Board of Public Works for the City of Lewes, a chartered utility of the State of Delaware has caused its name to be hereunto set under seal, on the day and year aforesaid.

	GRANTOR:
	BOARD OF PUBLIC WORKS OF THE CITY OF LEWES, a chartered utilities board of the State of Delaware
	By:(SEAL Thomas S. Panetta, President
	Attest:  D. Preston Lee, Secretary
STATE OF DELAWARE	:
COUNTY OF SUSSEX	: SS. :
me, the subscriber, a Notary Publi Thomas S. Panetta, Present of the board of the State of Delaware, pa acknowledged the foregoing instru- that the signature of the President	hat on this day of, 2024, before in and for the State and County aforesaid, personally appears Board of Public Works of the City of Lewes, a chartered utilitie arty of this instrument, known to me personally to be such, and ment to be his act and deed, and the act and deed of said board is in his own property handwriting; and that the act of signing the said instrument was first duly authorized by resolution utility.
GIVEN under my hand an	d seal, the day and year aforesaid.
	NOTARY PUBLIC
	Name Typewritten or Printed My Commission Expires:





# AFFIDAVIT FOR REALTY TRANSFER TAX ON UNINCORPORATED AREAS IN SUSSEX COUNTY PURSUANT TO CHAPTER 103 OF THE SUSSEX COUNTY CODE

NOTE: Affidavit is required on all transactions (incorporated or unincorporated areas)

STATE DE ZIP 19947  Part B — To Be Completed By GRANTEE/BUYER  NAME DEPARTMENT OF TRANSPORTATION (DELDOT) S  ADDRESS 800 BAY ROAD, BOX 778	or EMPLOYER I.D. #  SOCIAL SECURITY # or EMPLOYER I.D. #  Parcel 2.00 (part of)
STATE DE ZIP 19947  Part B — To Be Completed By GRANTEE/BUYER  NAME DEPARTMENT OF TRANSPORTATION (DELDOT) S  ADDRESS 800 BAY ROAD, BOX 778  CITY DOVER E  STATE DE ZIP 19901  Part C — PROPERTY LOCATION  District 3-35 Map 12.00	SOCIAL SECURITY # or EMPLOYER I.D. #
Part B — To Be Completed By GRANTEE/BUYER  NAME DEPARTMENT OF TRANSPORTATION (DELDOT) S  ADDRESS 800 BAY ROAD, BOX 778  CITY DOVER E  STATE DE ZIP 19901  Part C — PROPERTY LOCATION  District 3-35 Map 12.00	or EMPLOYER I.D. #
NAME DEPARTMENT OF TRANSPORTATION (DELDOT)  ADDRESS 800 BAY ROAD, BOX 778  CITY DOVER  STATE DE ZIP 19901  Part C — PROPERTY LOCATION  District 3-35 Map 12.00	or EMPLOYER I.D. #
ADDRESS 800 BAY ROAD, BOX 778  CITY DOVER  STATE DE ZIP 19901  Part C — PROPERTY LOCATION  District 3-35 Map 12.00	or EMPLOYER I.D. #
CITY DOVER  STATE DE ZIP 19901  Part C — PROPERTY LOCATION  District 3-35  Map 12.00	EMPLOYER I.D. #
STATE DE ZIP 19901  Part C — PROPERTY LOCATION  District 3-35  Map 12.00	
Part C — PROPERTY LOCATION  District 3-35  Map 12.00	Parcel 2.00 (part of)
District 3-35 Map 12.00	Parcel 2.00 (part of)
	Parcel 2.00 (part of)
Part D — COMPUTATION OF THE TAX	
<ol> <li>CONVEYANCES WITHOUT CONSIDERATION         Enter Highest Assessed Value For Local Tax Purposes</li> <li>Enter the Greater, Line 1 or Line 2</li> <li>Multiply Line 3 times 1.50% — Tax Due and Payable</li> </ol>	\$ \$ \$
EXEMPT CONVEYANCES: If transaction is exempt from Transfe	fer tax, explain the basis for the exemption:
EXEMPT, CONVEYANCE TO MUNICIPALITY, S.C. Co	ode §103-18.11
First Time Home Buyer? Yes No (If "Yes", attac	ch First Time Home Buyer Affidavit)
Sworn and Subscribed before me on this day of , 20	
	er's Signature

OFFICE USE ONLY:

**Notary Public** 



# DELAWARE RTO RTO REALTY TRANSFER TAX RETURN AND AFFIDAVIT OF GAIN AND VALUE FORMERLY 5402





# DELAWARE RTI



P/	ART C - PROP	ERTY LOCATION ANI	COMPUTATION OF T	HE TAX						
1.	ADDRESS	P/O 3-35 12.00 2	2.00; Permanent Eas	sement						
CI	TY	Lewes			ST	ATE	DE	ZIP		19958
CC	DUNTY	Sussex			DATE OF R	EAL ESTAT	E CONVE	ANCE		
If t	this is a trans terest in an e	fer of an interest in rea ntity, check this box ar	al estate through a trans ad enter the name and E	fer of an owner IN of the entity	ship here:	Name EIN				
2.	Enter the a	mount of consideration	on received including cas ner good and valuable o	sh, checks, mort onsideration	gages,		s			
				Was like k	ind proper	ly exchang	ed? Yes	No	(If Yes,	see instructions.)
3.	Enter the I	lighest assessed value	e (for local tax purposes)	of the real esta	te being co	nveyed	<b>5</b> 5			
4.	Enter the C	Greater of Line 2 or Lin	ne 3				而 5			
5.	% rate of to	otal Realty Transfer Ta	x due to the State, count	ty, and/or munic	cipality					4.0 %
6.	% rate of R	ealty Transfer Tax due	to the county or munic	ipality						%
7.	% rate red	uction for contracts ex	ecuted prior to 8/1/17 (s	ee instructions)						%
8.	% rate of R	lealty Transfer due to t	the State of Delaware (St	ubtract Lines 6	and 7 from	Line 5)	m			4.0000 %
9.	Delaware I	Realty Transfer Tax Be	fore Credits. Multiply Li	ne 4 by Line 8.			<b>5</b>			0.00
10	. % of respo	nsibility by		Grantor	/ Seller(s)	5	50	Grantee / B	uyer(s)	50
11	I. Amount D	ue by ( <b>Multiply</b> Line 1	0 by Line 9)	Grantor	/ Seller(s)	5	0.00	Grantee / B	uyer(s) 🦠	0.00
12	2. Exclusions	and Credits		Grantor	/ Seller(s)	\$		Grantee / B	uyer(s) 🖇	
13	3. Total Amo	unt Due by (Subtract	Line 12 from Line 11)	☐ Grantor	/ Seller(s)	\$	0.00	Grantee / B	uyer(s) S	0.00
						TC	TAL PAYN	MENT 5		
P	ART D - EXEN	IPT CONVEYANCES								
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fede sole	eral income to ly to the said	ax forms, including the real estate to which ti	venue or such other app e Seller(s) attached scheo tle is purported to be co uring which there was d	dules or other a nveyed by the o	ttachments leed or inst	, and any o rument be	other relate ing record	ed papers file	by such s	seller which relate
<u>_</u>	SELLER SIGNATU	JRE	SELLER SIGNATURE		SELLER	SIGNATURE		<b>∑</b> SE	LLER SIGNA	TURE
	TITLE OF OFFICE	R / PARTNER	TITLE OF OFFICER / PAR	TNER	TITLE O	F OFFICER / F	ARTNER	TI	TLE OF OFFIC	CER / PARTNER
Swo	ern to and sul	bscribed before me or	1	,20						
	NOTARY SIGNAT	TURE	, and the second							

DF42721029999V1



## DELAWARE REW-EST



### REAL ESTATE TAX RETURN DECLARATION OF ESTIMATED INCOME TAX Formerly 5403

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RT	DESCRIPTION OF T	HE PROPERTY						-	
	PERMANENT EAS	SEMENT			ADDRESS	KINGS HIG	HWAY EASEMEN	11	_
8	KINGS HWY				ADDRESS 2	LEWIS			_
					CITY	LEWES	7ID CODE	40050	
					STATE	DE	ZIP CODE	19958	
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/	Trust or Estate		Limited Liabili	ty Company	5	Inheritance			
	Business Trust		/ Other:			1031 Excha	nge		
		P	OLITICAL SU	BDIVISIO		housed	0		
ar.	TRANSFEROR/SELL	LER'S NAME; SSI	N OR EIN; AND	ADDRESS TO WHIC	H CORRESPOND	ENCE IS TO BE N	MAILED AFTER SETTL	EMENT	
	FIRST NAME SI	USSEX COUN	ITY		ADDRESS	2 THE CIR	CLE		
	LAST NAME				ADDRESS 2				
j.	TAXPAYER ID				CITY	GEORGET	OWN		
					STATE	DE	ZIP CODE	19947	
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→ AUTHORIZED SIGNATURE

PRINT NAME

☐ DATE

TITLE



## DIVISION OF REVENUE



#### REAL ESTATE TAX RETURN DECLARATION OF ESTIMATED INCOME TAX

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1-1						STATE	D	E	ZIP CODE		19958
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e Clie	TRANSFEROR/S	ELLER IS:					TRAI	NSFEROR	OR SELLER A	CQUIRED PRO	OPERTY BY:
ART	Individual or Re	vocable Living Trust		Partnership		PART	1	Purchase		Foredosure / Rep	oossession
	Corporation	0		S Corporatio				Gift		Other	
/	Trust or Estate		П		ility Company	51		Inheritance			
	Business Trust		1	Other:	my company			1031 Exchan	MOP		
	Dusiness must		MIII	NICIPALIT	ry			TOST EXCION	.gc		
	TRANSFEROR/S	ELLER'S NAME;			ADDRESS TO WHI	CH CORRESPOND	ENCE IS	S TO BE M	AILED AFTER	SETTLEMENT	i e
N.	FIRST NAME	CITY OF LEW		,		ADDRESS	_	). BOX 4			
	LAST NAME					ADDRESS 2					
	TAXPAYER ID					CITY	GE	ORGETO	OWN		
	1				_	STATE		)E	ZIP CODE		19947
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AUTHORIZED SIGNATURE

PRINT NAME

m DATE

TITLE

MAIL COMPLETED FORM TO: Delaware Division of Revenue 820 N. French Street PO Box 8763 Wilmington, DE 19899-8763



## DIVISION OF



### REAL ESTATE TAX RETURN DECLARATION OF ESTIMATED INCOME TAX Formerly 5403

Form REW-EST must be completed for all conveyances, and must be presented at the time of recording. **DESCRIPTION OF THE PROPERTY ADDRESS OF THE PROPERTY** PART **ADDRESS** KINGS HIGHWAY EASEMENT PERMANENT EASEMENT **ADDRESS 2 KINGS HWY** CITY **LEWES** STATE DE **ZIP CODE** 19958 **NEW CASTLE** KENT ✓ SUSSEX **DATE OF TRANSFER** TAX PARCEL NO. 3-35 12.00 2.00 P/O TRANSFEROR OR SELLER ACQUIRED PROPERTY BY: TRANSFEROR/SELLER IS: PART PART Foredosure / Repossession Purchase Individual or Revocable Living Trust Partnership Other **S** Corporation Gift Corporation Limited Liability Company Inheritance Trust or Estate 1031 Exchange Business Trust Other: CHARTERED UTILITY TRANSFEROR/SELLER'S NAME: SSN OR EIN; AND ADDRESS TO WHICH CORRESPONDENCE IS TO BE MAILED AFTER SETTLEMENT PART ADDRESS **107 FRANKLIN AVE** THE BOARD OF PUBLIC WORKS LEWES **FIRST NAME ADDRESS 2** LAST NAME **LEWES TAXPAYER ID** CITY 19958 **ZIP CODE** STATE DE Enter only one name and SSN or EIN per return. If more than one transferor/seller, use separate forms for each; however, if transferors/sellers are spouses, enter only the primary taxpayer name and SSN, and only file one return. If transferor/seller is a pass-through entity, list EIN of the pass-through entity and attach a schedule listing each non-resident member or stockholder and their share of the tax being paid with the return. IF APPLICABLE, CHECK APPROPRIATE BOX. (Check no more than one box.) PART Transferor/seller is a resident (a) individual, (b) pass-through entity or (c) corporation, and not subject to withholding under 30 Del. C §§ 1126, 1606 or 1909; Sale or exchange exempt from gain realization; Gain realized excluded from income for tax year of sale or exchange; Sale exempt due to foreclosure. (See Instructions) If any box in Part 5 is checked, DO NOT complete Parts 6, 7 and 8 below. No payment is due at this time. COMPUTATION OF PAYMENT AND TAX TO BE WITHHELD (See instructions.) PART .00 **TOTAL SALES PRICE** .00 6b LESS SELLING EXPENSES/REDUCTIONS TO SALE PRICE .00 6с NET SALES PRICE (Subtract Line 6b from Line 6a) 0 64 ADJUSTED BASIS OF PROPERTY OR LIENS PAID AT SETTLEMENT .00 0 .00 6e TOTAL GAIN (Subtract line 6d from line 6c) DELAWARE ESTIMATED INCOME TAX DUE - Multiply line 6e by 8.7% for C corp., and by 6.6% for all others 0 .00 NOTE: If Part 6 is not filled out or is incomplete, the required 6.6% or 8.7% will be withheld from the net proceeds at settlement and submitted to the Division of Revenue as required by law. NOTE: If completing this section, when you recognize any gain arising from the sale Check this box if the transferor/seller PART of property in the State of Delaware, you must report and remit the tax due to the is reporting gain under the installment State of Delaware on that transaction. method. No tax is payable at this time. .00 **DELAWARE ESTIMATED INCOME TAX PAID (See instructions)** PART Under penalty of perjury, I declare that I have examined this return and to the best of my knowledge and belief, it is true, correct and complete. If prepared by a person other than the transferor/seller, the declaration is based on all information of which the preparer has any knowledge. Transferor/Seller, please sign and print full name and title (if any):

AUTHORIZED SIGNATURE

PRINT NAME

**回 DATE** 

TITLE

MAIL COMPLETED FORM TO: Delaware Division of Revenue 820 N. French Street PO Box 8763 Wilmington, DE 19899-8763